ACTS,

RESOLUTIONS AND MEMORIALS

PASSED BY THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF UTAH.

DURING THE

FOURTEENTH ANNUAL SESSION.

FOR THE YEARS 1864—65.

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HENRY McEWAN, PUBLIC PRINTER.
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ACTS AND RESOLUTIONS

OF THE

TERRITORY OF UTAH.

———o———

AN ACT

For the relief of A. P. Rockwood, Warden of the Penitentiary. Dec. 19, 1864.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the sum of three hundred and ninety-two dollars, and eighty-one cents, is hereby appropriated out of any money in the Territorial Treasury, not otherwise appropriated, to re-imburse A. P. Rockwood, Warden of the Penitentiary, the amount expended by him for feeding, clothing and guarding convicts, up to Dec. 1, 1864.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved Dec. 19, 1864,
JAMES DUANE DOTY,
Governor Utah Territory.

AN ACT

Jan. 17, 1865. *To amend an Act to Incorporate the Jordan Irrigation Company.*

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the second second section of "An Act to incorporate the Jordan Irrigation company," approved Jan. 17, 1862, be amended to read—The aforesaid company shall have the right and privilege, and the same is hereby conferred, to erect and construct a dam or dams across the Jordan river, and take out the waters on both sides thereof at any point not exceeding twelve miles above Jordan bridge, on north Temple street, Great Salt Lake city; and to conduct the same in a suitable canal or canals, on the most practicable route or routes in Great Salt Lake county, as far as it may be necessary, to water or irrigate lands: provided, said company be held responsible for any damage done thereby.

SEC. 2. That the said company is authorized to increase their capital stock to two hundred thousand dollars.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved, Jan. 7, 1865.
JAMES DUANE DOTY,
Governor.

—o—

AN ACT

Jan. 11, 1865. *In relation to Butchering and Meat Markets outside the limits of Incorporated Cities that are acting under their Charters.*

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That no person

shall be allowed to erect a slaughter-house or yard, or to commence the business of butchering or keeping a meat market, without first obtaining a license therefor from the County Court of the county in which such business is designed to be carried on.

SEC. 2. All persons so licensed as butchers, shall keep a book in which they shall record a faithful description of the age, size and colors of all cattle by them killed, with the brands and ear marks thereon, together with the name of the person from whom received, and the time when killed, which book shall be open to the inspection of the public.

SEC. 3. All persons who receive license from the County Court for establishing a butchery or meat market, shall pay quarterly in advance into the County Treasury such sum as may be deemed necessary or sufficient by the County Court of the proper county.

SEC. 4. Any person violating this act shall, upon conviction thereof, pay a fine not to exceed one hundred dollars for each offence.

SEC. 5. Nothing in this Act shall be so construed as to interfere with any incorporated city.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 11, 1865.

JAMES DUANE DOTY,
Governor.

—o—

AN ACT

Changing the boundary of Tooele City in Tooele County. Jan. 11, 1865.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the first section of an Act to incorporate Tooele city in Tooele

county, relating to the boundaries, shall be amended to read after the enacting clause as follows: that all that portion of country situated within the following boundaries, to wit: beginning at a point one mile due south from where the county road crosses the big creek, at the mouth of the settlement kanyon, thence east two and-a-half miles, thence north five miles, thence west four and a half miles, thence south five miles, thence east two miles to the place of beginning.

SEC. 2. All that portion of the first section of an Act to incorporate Tooele city in Tooele county, approved Jan. 13, 1853, conflicting with this act is hereby repealed.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 11, 1865.

JAMES DUANE DOTY,
Governor.

—o—

AN ACT

Jan. 13, 1865. *Granting unto John Nelson, and others, the right to build a toll bridge across Bear river in Cache county.*

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That John Nelson, Crandell Dunn, George O. Pitkin, George Barber and Simpson M. Molen, citizens of Cache county, are hereby empowered to form a company for the purpose of building a toll bridge across Bear river in Cache county, between a point on said river west of Hendrick's grist mill and were said river passes through the mountains on the west side of Cache valley.

SEC. 2. The within named John Nelson, C. Dunn, George O. Pitkin, George Barber and S. M. Molen are hereby authorized to take and sell stock at twenty-five dollars each share, until a sufficient amount of stock shall be taken to defray the expenses of building said bridge.

SEC. 3. There shall be a committee of three chosen from among and by the stockholders, whose duty it shall be to keep an accurate account of all receipts and expenditures, and report the same annually to the County Court of said county, also to superintend the building, and do such other business for the company as a majority of the stockholders may deem expedient for the general good.

SEC. 4. Every stockholder shall be entitled to one vote for each share that he may hold.

SEC. 5. The bridge shall be built to the acceptance of the County Court of Cache county.

SEC. 6. The County Court of Cache county is hereby authorized to regulate the rates of toll for crossing said bridge, and to require said company to pay five per cent annually, of all receipts arising therefrom, into the Territorial Treasury, for the benefit of schools.

SEC. 7. The company thus formed may have the right to hold claim on said bridge until the nett profits have amounted to one hundred per cent, over and above the first cost of the bridge, after which said bridge shall be turned over to the County Court of Cache county, in good repair, and be free to the traveling community.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 13, 1865.

JAMES DUANE DOTY,
Governor.

AN ACT

To incorporate the Tooele City Library Association.

Jan. 13, 1865.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Eli B. Kelsey, Andrew Galloway, Hugh S. Gowans, Richard Warburton, John Rowberry, Thomas Lee, John Shields, their associates and successors in office, are hereby con-

stituted a body corporate, to be known and styled Tooele City Library Association, and shall have power to purchase, receive and hold property, real and personal, to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and to do and perform all things that may be necessary and proper to enable them to carry into effect the objects of the Association, in the diffusion of knowledge, by establishing a library of books, maps, charts and scientific instruments, connecting therewith a reading room, and scientific and other popular lectures, and the above named persons are hereby appointed a board of Directors of said Association until superseded, as provided in the following section.

SEC. 2. A board of seven Directors shall be elected by the members of said Association on the last Saturday of February, annually, who shall hold their office for one year, and until their successors are duly elected, and they shall have power to appoint a President, Secretary, Treasurer, Librarian and such other officers as may be deemed necessary, and define their duties, and to enact such bye-laws as may be necessary for proper management of all business of the Association; a majority may form a quorum to do business, and they may fill any vacancy in the board until the next regular election.

SEC. 3. This Association may raise means by the sale of shares, and may receive contributions and donations for the purchase of books, &c., and for leasing and erecting suitable buildings for the library, reading room and lectures; new members may be added on such conditions as may be prescribed in the bye-laws of the Association, and the library and reading rooms shall be open for the use of the public, or books loaned out under such regulations, and at such times as the board of Directors may determine.

GEORGE A. SMITH
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives

Approved January 13, 1865.
JAMES DUANE DOTY, Governor.

AN ACT

Jan. 14, 1865.

Amending the Charter of Great Salt Lake City.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of tee Territory of Utah:

First:—That the City Council of Great Salt Lake city shall have power and authority to license, tax and regulate livery stables.

Second:—To license, tax and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, packers, carmen and all others who may persue like occupations, with or without vehicles, and prescribe their compensation.

Third:—to establish, erect and control hospitals, infirmaries and medical colleges; to purchase grounds for their erection and improve and adorn the same: and license, control and regulate physicians and surgeons.

Fourth:—to purchase and improve suitable grounds for a house of correction; to erect buildings thereon and adopt such rules and regulations for the government and punishment of offenders therein, as said Council may from time to time deem expedient.

Fifth:—to direct and control the location of railroad tracks and depot grounds within the city and regulate or prohibit the use of locomotive engines thereon, and may require the cars to be used within the inhabited portions thoreof to be drawn or propelled by other power than that of steam.

Sixth:—to regulate and control the location of gas works, canals, telegraph poles and all improvements of similar nature.

SEC. 2. The City Council shall have power to levy and collect on real estate (or land claims and improve-

ments thereon) in any district or division benefitted, within the limits of said city, a sufficient tax to defray the expense of leveling, paving, macademizing or planking and opening and keeping in repair the streets and sidewalks, of constructing sewers and drains and keeping the same in repair, and of erecting lamps and lighting the streets in such respective districts or divisions: provided, the money thus raised shall be exclusively expended for such purpose in the district where such taxes are assessed, and by such person or persons as the City Council may appoint. The amount to be assessed for any such improvement shall be determined by the City Council, who shall appoint three commissioners, reputable citizens, to make such assessment, who shall be sworn to faithfully and impartially execute their duties.

Before entering on their duties the commissioners shall give six day's notice of the time and place of meeting to all persons interested. The commissioners shall assess the amount directed by the City Council on the real estate (or land claims and improvements) by them deemed benefitted by any such improvement in proportion to the benefit resulting thereto.

When the commissioners shall have completed their assessment and made a correct copy thereof, they shall deliver the same to the City Recorder within thirty days after their appointment, signed by all the commissioners.

The City Recorder shall cause a notice to be published to all persons interested, of the completion of the assessment, and the time and place shall be designated therein, when the City Council shall hear appeals and objections and correct or confirm said assessment.

When the said assessment shall have been completed, the City Recorder shall, within ten days thereafter, make a correct tax-list, which shall be delivered to the collector or any authorized agent appointed by the City Council, who shall collect said taxes within such time as may be prescribed by said Council.

If any assessment is set aside by order of any Court, the City Council may cause a new one to be made in like manner for the same purpose for the collection of the amount so assessed.

If the first assessment prove insufficient, another may be made in the same manner; or if too large a sum shall at any time be raised, the excess shall be refunded, rateably, to those by whom it was paid.

GEORGE A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 14, 1865.

JAMES DUANE DOTY,
Governor.

—o—

AN ACT

To incorporate the American Fork Library Association.

Jan. 14, 1865.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That William Greenwood, Thomas Proctor, William Shelly, John Duncan, Washburn Chipman, Thomas Wallace and Richard Steele, their associates and successors in office, are hereby constituted a body corporate, to be known and styled American Fork Library Association, and shall have power to purchase, receive and hold property, real and personal, to sue and be sued, plead and be impleaded, defend and be defended in all Courts of law and equity, and to do all things that may be proper to carry into effect the objects of the Association, by establishing a library of books, maps, charts and scientific instruments, connecting therewith a reading room and lectures: and the above named persons are hereby appointed a board of Directors of said Association, until superseded as provided in the following section.

SEC. 2. A board of seven Directors shall be elected by the members of said Association on the second Monday of February, 1865, and biennally, thereafter, on said day, who shall hold office two years, and until their successors are duly elected, and they shall have power to appoint a President, Secretary, Corresponding Secretary, Treasurer and Librarian, and define their duties; and

also to enact such bye-laws as may be necessary to do all business of the Association: a majority may form a quorum to do business and may fill any vacancy in the board until the next regular election.

SEC. 3. This Association may raise means by the sale of shares, by contribution and donation, for the purchase of books, maps, charts, &c., and for leasing or erecting suitable buildings for the library, reading rooms and lectures.

SEC. 4. Conditions of membership, admission to the library, reading-room and lectures, and the loaning of books or other property, shall be as provided by the bye-laws of said Association.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 14, 1865.

JAMES DUANE DOTY,
Governor.

—o—

AN ACT

Jan. 16, 1865.

Concerning Surplus Stock.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That when two thirds of the citizens of any settlement vote to remove the surplus stock from the grass needed for their milch cows and work animals, if any person refuses or neglects to remove his surplus stock, to wit: all stock except milch cows and their sucking calves, animals needed and being used for riding, breaking, packing or draft, and swine constantly kept in pens or yards, any person having the care of the surplus stock of said settlement, is hereby authorized and required to remove and take care of the surplus stock of any owner refusing or neglecting to remove his own, and for such services shall be entitled to the same amount others pay for herding the stock of

said settlement, and five dollars in addition to that amount, and may retain lawful possession of said animals until said sum is paid, and may proceed for its collection as in action for debt.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 16, 1865.
JAMES DUANE DOTY,
Governor.

—o—

AN ACT

To provide for the organization of new counties. Jan. 16, 1865.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the Probate Judge of any new or unorganized county, after he shall have been elected and qualified, shall proceed to organize said county by appointing three selectmen, citizens of the said county, who shall be qualified by the judge administering to them an oath of office, when they and the Probate Judge shall appoint all other county officers required by law, who are hereby authorized and empowered to act until the next general election, and until their successor are elected and qualified.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 16, 1865.
JAMES DUANE DOTY,
Governor.

AN ACT

Jan. 16, 1865. *Creating two new Counties, and changing the county seats of Sanpete and Richland counties.*

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that portion of Sanpete county lying south of an east and west line passing through the ford of Willow creek, between Gunnison and Salina, and east of the main range of mountains dividing Round and Pauvan valleys from the valley of the Sevier is hereby created and named Sevier county, with county seat at Richfield.

SEC. 2. That all that portion of Beaver county lying east of the main range of mountains dividing Beaver and Pauvan valleys from the valley of the Sevier, is hereby created and named Piute county, with county seat at Circleville.

SEC. 3. That the county seat of Sanpete county is hereby removed from Moroni to Manti in said county, and that the county seat of Richland county be removed from Paris to St. Charles in said county.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 16, 1865.

JAMES DUANE DOTY,
Governor.

—o—

AN ACT

Jan. 18, 1865. *Concerning Notaries Public for Great Salt Lake, Weber and Millard counties.*

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That there shall be elected by the joint vote of this Legislative Assembly one Notary Public for Great Salt Lake county, two for

Weber county, and one for Millard county, in addition to the number already provided by law for said counties: and that annually, hereafter, there shall, in like manner be elected, three Notaries Public for Great Salt Lake, three for Weber, and two for Millard counties, until otherwise altered or amended by Legislative enactment.

GEORGE A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 18, 1865.
JAMES DUANE DOTY,
Governor.

—o—

AN ACT

Consolidating and amending the School Laws. Jan. 18, 1865.

SEC. 1 Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That where not already done, the County Courts in the Territory of Utah shall divide their respective counties into school districts and number the same, and shall notify the inhabitants, as soon as districts are formed, to meet within ten days, and choose three trustees, who shall appoint their own clerk, and they shall act one year, and until their successors are elected and qualified.

SEC. 2. Said trustees shall cause to be assessed and collected, a tax upon all taxable property in said district, at such rates per cent, as may be decided upon by a vote of a majority of votes cast by the residents of said school district at a meeting called for that purpose, and in case of the neglect or refusal of any person to pay the tax assessed upon being duly notified thereto, the trustees shall have power to collect the same as the Territorial and County taxes are collected, to dispose

of any taxable property, and any conveyance made upon such shall be valid. It shall be the duty of the County Court to appoint, in their respective counties, a board of examination, to consist of three competent men whose duty it shall be to hear and determine the qualifications of school teachers; and all applicants of a good moral character that are considered competent, shall receive a certificate to that effect signed by the board.

SEC. 3. The trustees shall, out of the funds collected, see that a suitable building or buildings, with necessary appendages, are furnished, wherein a school or schools shall be taught, keep the same in repair and supply the fuel required.

SEC. 4. The trustees in each district shall visit, officially, each school in their respective districts, at least once during each term of sixty days; they shall annually, on or before the second Monday in October, take a census of the children between the ages of four and sixteen years, residing in their districts, and shall, within eight days thereafter, make a report to the County superintendent, stating the condition of the school or schools under their supervision, and shall state particularly the items contained in the following form:

FORM FOR SCHOOL TRUSTEES.

Annual Report of School District, No.——*in the County of*——*U. T., ending* 186—

REMARKS.
Amount of taxes appropriated to the use of schools.
Amount of building funds raised.
Present condition of school buildings, &c.
No. of volumes in each.
No. of school libraries.
No. of months schools have been taught during the year.
To female.
To male.
Amount paid to teachers.
Average daily attendance.
No. of female scholars enrolled.
No. of male scholars enrolled.
No. of female children in the district between the ages of 4 and 16 years.
No. of male children in the district between the ages of 4 and 16 years.
No. of female teachers.
No. of male teachers.
Branches taught.
Grade of schools.
No. of schools.
No. of district.

Sec. 5. It is hereby made the duty of teachers of schools to furnish their respective County superintendent with a quarterly report of the schools under their charge, said report shall be in the following form:

FORM OF SCHOOL TEACHER'S REPORT.

Quarterly Report of School No. ——— *District No.* ——— *County of* ——— *U. T., ending* ——— 186—. *Teacher.*

Names of Pupils.	Age.	Total number of males.	Total number of females.	Daily attendance.	Average daily attendance.	Branches Taught.															School Books used.	School Certificate and Remarks.
						Alphabet.	Spelling.	Reading.	Writing.	Geography.	Grammar.	Arithmetic.	Book-keeping.	Algebra.	Geometry.	Astronomy.	History.	Languages.	Music.	Drawing.	Painting.	

SEC. 6. That there shall be elected annually by a vote of the Legislative Assembly of the Territory of Utah, a Superintendent of common schools for the said Territory, and the said Superintendent shall make his report annually to the Legislative Assembly during the first week of its session; said Superintendent before entering upon the duties of his office shall qualify by taking and subscribing an oath to faithfully perform the duties of his office.

SEC. 7. It shall be the duty of the Territorial Superintendent to keep a record of the condition of common schools throughout this Territory, as reported to him by the County superintendents, and he shall furnish each County superintendent with a blank record headed according to form for Trustees reports, and also forms of said reports, together with forms of school teachers reports, as contemplated in this Act, and he shall cause to be printed such a number of blanks, after the forms described in this Act, as will be necessary for distribution to the trustees and teachers throughout the Territory.

SEC. 8. The Territorial and County superintendents are hereby empowered to decide upon what text books shall be adopted in the schools, and the County superintendents may regulate, in their respective counties, the school terms, allowing such holidays and vacations as in their judgment shall be advisable.

SEC. 9. Each county shall elect at the general annual election held on the first Monday of August of each year, a competent person to fill the office of County superintendent of common schools, who shall hold his office until his successor is elected and qualified.

SEC. 10. Said Superintendent shall qualify by taking and subscribing an oath to faithfully perform the duties of his office.

SEC. 11. The duties of the County superintendent shall be first—to take the general supervision of schools in his county; to visit, officially, at least once in each year, the schools under his supervision and see that the school trustees are diligent in the discharge of their duties. Second—to superintend in the manner and to the extent to be prescribed by law, all business mat-

ters connected with Public school domain within his jurisdiction. Third—to keep a correct account with the County Treasurer and also with the trustees of school districts of all funds received or disbursed for school purposes. Fourth—to audit all school accounts against the County Treasury, and deliver his warrant for the payment thereof. Fifth—to make an annual report to the Territorial Superintendent of common schools, on or before the first Monday in November in each year, stating the particulars contained in the following form:

FORM FOR COUNTY SUPERINTENDENTS.

Annual report of ——— *County, ending first Monday in November* 186—.

County Superintendent.

NAMES OF Districts.	No. of districts in county.
	No. of districts reported.
	No. of schools.
	Grade of schools.
	No. of male teachers.
	No. of female teachers.
	No. of boys in county between 4 and — years.
	No. of girls in county between 4 and — years.
	Total children between 4 and — years.
	No. of male scholars enrolled.
	No. of female scholars enrolled.
	Total enrolled.
	Per centage of names enrolled.
	Average daily attendance.
	Per centage of school population actually attending school.
	Amount paid to male teachers.
	Aomunt paid to female teachers.
	Total paid to teachers.
	No. of months schools have been taught during the year.
	Present condition of school buildings.
	Amount of building funds raised.
	Amount of taxes appropriated to the use of schools.
	REMARKS.

Sixth—the County superintenden shall enter in his recouds every official return made to him by school trustees and teachers, and keep the same in his office subject to the inspection of the Territorial Superintendent and the County Court of his respective county.

SEC. 12. Each school district may, by a two-third vote of the tax-payers of the district, assess and collect a tax not to exceed two per cent for the purpose of assisting to pay qualified school teachers, and to provide suitable books.

SEC. 13. In case of a vacancy of County superintendent, by death, resignation, or otherwise, the Territorial Superintendent shall have power to fill the vacancy by appointment.

SEC. 14. An Act entitled an Act in relation to common schools, approved Dec. 30, 1854, also an Act approved Jan. 20, 1860, and an Act approved Jan. 15, 1862, are hereby repealed.

GEO. A. SMITH,
President of the Council."
JOHN TAYLOR,
Speaker of the House of Representatives.

Approved Jan. 18, 1865.

JAMES DUANE DOTY,
Governor."

—o—

AN ACT

Jan. 18, 1865.

To incorporate Logan city.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that district of country embraced in the following boundaries in Cache county, to wit: commencing at the south bank of the Logan river, at the mouth of Logan kanyon, thence in a northerly direction along the base of the mountains three miles; thence west to the west banks of Little Bear river; thence south along said bank to the mouth of Logan river; thence in an easterly direction

along the south bank of said river to the place of beginning: shall be known and designated under the name and style of Logan city; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever to purchase, receive, hold, sell, lease, convey, dispose of property, real and personal, for the benefit of said city, both within and without its corporate boundaries; to improve and protect such property, and to do all other things in relation thereto as natural persons.

SEC. 3. The municipal government of said city is hereby vested in a City Council, to be composed of a mayor, three aldermen, one from each ward, and five councilors, who shall have the qualifications of electors in said city, and shall be chosen by the qualified voters thereof, and shall hold their office for two years, and until their successors are elected and qualified.

SEC 4. An election shall be held on the first Monday of May next, and every two years thereafter, on said day, at which there shall be elected, one mayor, three aldermen and five councilors; and the persons respectively receiving the highest number of votes cast in the city for said officers, shall be declared elected. When two or more candidates shall have an equal number of votes for the same office, the election shall be determined by the City Council.

SEC. 5. The first election under this act shall be conducted in the following manner, to wit: the County clerk of Cache county shall cause notice of the time and place, and the number and kind of officers to be chosen, to be posted up in four public places in said city, at least ten days previous to said election. Two judges shall be selected by the Probate Judge of Cache county, at least one week previous to the day of election, said judges shall choose two clerks, and the judges and clerks before

entering upon their duties shall take and subscribe an oath or affirmation before the clerk of the County Court for the faithful performance of said duties. The polls shall be open at 8 o'clock, a.m., and shall close at 6 o'clock, p.m. At the close of said election the judges shall seal up the ballot box and the list of names of the electors, and transmit the same within two days from the time of holding such election to the County clerk of Cache county. As soon as the returns are received, the County clerk in the presence of the Probate Judge, shall unseal and examine them, and furnish within five days to each person having the highest number of votes, a certificate of his election. In case of a tie, it shall be decided by lot drawn by the County clerk in presence of the Probate Judge.

SEC. 6. All subsequent elections held under this act shall be held, conducted, and returns thereof made as may be provided for by ordinance of the City Council.

SEC. 7. The City Council shall be judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business, shall determine the rules of their own proceedings, and shall meet at such time and place as they may direct; the mayor shall preside when present and have a casting vote; and, in the absence of the mayor, any alderman present may be appointed to preside over said meeting.

SEC. 8. The City Council may hold stated meetings, and special meetings may be called by the mayor or any two aldermen, by notice to each of the members of said council, served personally, or left at their usual places of abode.

SEC. 9. The City Council shall have power to appoint a marshal, recorder (who shall be the auditor of Public accounts), treasurer, assessor and collector, supervisor of streets, surveyor, an attorney, a sexton, a sealer of weights and measures, and all such other officers as may be necessary, define their duties, remove them from office at pleasure and fix and establish the fees of all city officers.

SEC. 10. All officers elected in accordance with the fourth section of this act may be removed for cause from such office by a vote of two-thirds of the City Council, and shall be furnished with the charges, and have an opportunity to be heard in their defence, and the Council shall have power to compel the attendance of witnesses, and the production of papers when necessary.

SEC. 11. When a vacancy shall happen by death, resignation or removal of any officer, such vacancy may be filled by the City Council, and every person elected or appointed to any office under this act shall, before he enters upon the duties thereof, take and subscribe an oath or affirmation that he will support the Constitution of the United States, the laws of this Territory, and the ordinances of the city, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability, and shall be required to give bonds as shall be prescribed by the city ordinances, which oath and bond shall be filed with the City recorder.

SEC. 12. The City Council shall have power to divide the city into wards and specify the boundaries thereof, and when necessary create additional wards, and add to the number of aldermen and councilors, and proportion them among the several wards as may be just and most conducive to the welfare of said city.

SEC. 13. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall give bonds and qualify as other justices of the peace, and when so qualified shall possess the same powers and jurisdiction, both in civil and criminal cases arising under the laws of the Territory, and may be commissioned as justices of the peace in and for said city by the Governor. They shall account for and pay over all fines and forfeitures arising under the ordinances of the city into the City treasury, and all fines and forfeitures arising under the laws of the Teritory into the County treasury, and shall issue such process as may be necessary to carry into effect all ordinances of said city. Appeals may be had from any decision or judgment of a mayor or alderman's court in the same manner as may be provided by statute for appeals from justices' courts, and they shall account

for and pay over to the City treasurer, within three months, all fines and forfeitures received by them, by virtue of their office, and they shall keep a docket, subject at all times to the inspection of the City Council and all other parties interested.

SEC, 14. All process issued by the mayor or an alderman shall be directed to the marshal or other legal officer, and in execution thereof, he shall be governed by such rules and regulations as may be provided by City ordinance.

SEC. 15. It shall be the duty of the recorder to make and keep accurate records of all ordinances made by the City Council, and all their proceedings in a corporate capacity, which record shall at all times be open to the inspection of the electors of the city and all other parties interested, and audit all accounts of said incorporation. He shall have and keep a plot of all surveys within the city, and he is hereby authorized to take the acknowledgement of deeds, transfers and other instruments of writing, and shall perform such other duties as may be required of him by city ordinance.

SEC. 16. The treasurer shall receive all money or funds belonging to the city, and shall keep an accurate account of all receipts and expenditures in such manner as the City Council shall direct. He shall pay all funds that may come to hand by virtue of his office upon orders signed by the Auditor of Public Accounts, and shall report to the City Council a true account of his receipts and disbursements as they may require.

SEC. 17. The City Council shall have power within the city, by ordinance to annully levy and collect taxes on the assessed value of all property in the city, made taxable by the laws of the Tertitory, for the following named purposes, to wit: not to exceed five mills. on the dollar, to open, improve and keep in repair the streets in the city, The City Council is further empowered to divide the city into school districts, provide for the election of trustees, appoint a board of school inspectors, annually assess and collect and expend the necessary tax for school purposes and for furnishing the city with water for irrigating and other purposes, and regulate

and control the same; and furthermore so far as may be necessary, control the water courses leading thereto.

SEC. 18. The City Council shall have the management and control of all the finances and property of said city.

SEC. 19. To require, and it is hereby made the duty of every able bodied male resident of the city over the age of eighteen and under the age of fifty years; to labor not to exceed two days in each year upon the streets, but every person may at his option pay two dollars for the day he shall so be bound to labor; provided it be paid within five days from the time he shall be notified by the Street Supervisor. In default of payment as aforesaid the same may be collected as other taxes.

SEC. 20. The Council shall have power to borrow money for city purposes, the interest of which shall not exceed one fourth of the city revenue arising from taxes of the previous year.

SEC, 21. The City Council shall have power, by ordinance, to regulate the form of the assessment rolls. The annual assessment roll shall be returned by the assessor on or before the first Monday of June in each year; but the time may be extended or additions made thereto, by order of the City Council. On the returns thereof the City Council shall fix a day for hearing objections thereto, and any person feeling aggrieved by the assessment of his property may appear at the time specified, and make his objections, which shall be heard and determined upon by the City Council, and they shall have power to alter, add to, take from and otherwise correct and revise said assessment roll.

SEC. 22. The Collector shall be furnished within thirty days after the assessment rolls are corrected with a list of taxes to be collected, and if not paid when demanded the collector shall have power to collect said taxes with interest and cost, by suit in the corporate name, as may be provided by ordinance. The assesment roll shall in all cases be evidence on the part of the corporation.

SEC. 23. To appropriate and provide for the payment of the expenses and debts of the city.

SEC. 24- To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws, and enforce the same within the city and around it, not exceeding ten miles next beyond the boundaries thereof.

SEC. 25. To examine licenses and regulate the practice of surgeons and physicians; to prohibit, prevent and punish, by fine and imprisonment, the imposition of quacks, and other medical pretenders; to establish hospitals, and infirmaries, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and prevent and remove the same.

SEC. 26. To provide the city with water, to dig wells, lay pump logs, and pipes, and erect pumps in the streets for the extinguishment of fires and the convenience of the inhabitants.

SEC. 27. To direct or prohibit the location and management of houses for the storing of gunpowder, tar, pitch, resin, or other combustible and dangerous materials within the city, and to regulate the conveying of gunpowder.

SEC. 28. To exclusively control, regulate, repair, amend and clear the streets, alleys, bridges, side-walks, or cross-walks, and open, widen, straighten or vacate streets and alleys, and put drains or ditches and sewers therein, and prevent the encumbering of the streets in any manner, and protect the same from any encroachment and injury.

SEC. 29. To provide for the lighting of the streets and erecting lamp-posts; to erect market houses. and establish markets, and market places, and provide for the government and regulation thereof.

SEC. 30. To provide for the erection of all needful buildings for the use of the city, and for inclosing, improving and regulating all public grounds belonging to the city.

SEC. 31. To license, regulate, prohibit or restrain the manufactures, sellers, or venders of spirituous or fermented liquors, tavern keepers, dram or tippling shopkeepers, boarding, victualing or coffee houses, restau-

rants, saloons or other houses or places for the selling or giving away of wines or other liquors, whether ardent, vinous or fermented.

Sec. 32. To licence, tax and regulate auctioneers, merchants, retailers, groceries, ordinaries, hawkers, pedlars, brokers, pawn-brokers, and money-changers.

Sec. 33. To regulate the selling or giving away of any ardent spirits, or other intoxicating liquors, by any shopkeeper, grocer, or trader, to be drank in any shop, store, grocery, outhouse, yard, garden or other place within the city, except by persons, or at places duly licensed; to forbid the selling or giving away of ardent spirits or other intoxicating liquors, to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

Sec. 34. To regulate and license or prohibit butchers, and to revoke their license for malconduct in the course of trade; and to regulate, license, and restrain the sale of fresh meat and vegetables in the city.

Sec. 35. To license, tax, regulate, suppress or prohibit billiard tables, pin alleys, nine or ten pin alleys, or table and ball alleys; to suppress or restrain all disorderly houses and groceries; to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming, and all kinds of gambling; to prevent any riot, noise, disturbance or disorderly assemblage, and to restrain and punish vagrants, mendicants, street beggars and prostitutes.

Sec. 36. To regulate, license, suppress or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, ball rooms and all other exhibitions and amusements.

Sec. 37. To license, tax and regulate hacking, carriages, wagons, carts, and drays, and fix rates to be charged for carrying of persons, and for wagonage, cartage and drayage of property, as also to license and regulate porters, and fix the rate of porterage.

Sec. 38. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys

and flues thereof, and stove pipes, and to organize and establish fire companies.

Sec. 39. To regulate and order parapet walls and other partition fences.

Sec. 40. To establish standard weights and measures, and to regulate the weights and measures to be used in the city in all cases not provided by law.

Sec. 41. To provide for the inspecting and measuring of lumber, and other building materials, and for the measurment of all kinds of mechanical work.

Sec. 42 To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the city.

Sec. 43. To provide for, and regulate the inspection of tobacco, beef, pork, flour, meal; also beer, whisky and brandy, and all other spirituous or fermented liquors

Sec. 44. To regulate the weight and quality of bread sold and used in the city

Sec. 45. The City Council shall have exclusive power within the city, by ordinance, to license, regulate or restrain the keeping of ferries and toll bridges.

Sec. 46. To provide for taking the enumeration of the inhabitants of the city; to regulate the burial of the dead and registration of births, and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.

Sec. 47. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals; to provide for putting up posts in front of city lots to fasten horses and other animal; to compel the fastening of horses, mules, oxen or other animals attached to vehicles whilst standing or remaining in the streets.

Sec. 48. To prevent the incumbering of the streets or side walks, lanes, alleys and public grounds with carriages, tents, wagons, carts, sleighs, horses or other animals; sleds, wheelbarrows, boxes, lumber, timber, fire-

wood, posts, awnings, signs, adobies or any material or substance whatever.

SEC. 49. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats, and all kinds of poultry, and to tax, prevent or regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinance.

SEC. 50. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome place, to cleanse, remove or abate the same from time to time, as oft as may be necessary for the health, comfort and convenience of the inhabitants of said city.

SEC. 51. To direct the location and management of, and regulate breweries and tanneries; to direct the location, management and construction of, and restrain or prohibit within the city, distilleries, slaughtering establishments and all establishments or places where nauseous, offensive or unwholesome business may be carried on.

SEC. 52. To prevent any person from bringing, depositing or having within the limits of the city any dead carcass or unwholesome substance, and to require the removal or the destruction of the same by any person who shall have placed or caused to be placed upon or near his premises, or near any of the streams of this city any such substance, or any putrid or unsound beef, pork or fish, hides or skins of any kind, and, on his default, to authorize the removal or destruction of the same by any officer of said city.

SEC. 53. To direct and regulate the planting and preserving of trees in the streets and public grounds, and regulate the fencing of lots within the boundaries of the city.

SEC. 54. To prevent the ringing of bells, the blowing of horns and bugles, the crying of goods, and all other noises, performances and devices tending to disturb the peace and quiet of the said city.

SEC. 55. To grant and issue licenses and direct the manner of issuing and registering thereof. Bonds may

be taken on the granting of licenses for the due observance of the ordinances of the city council.

SEC. 56. To require every merchant, retailer, trader and dealer in merchandize or property of every description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection, the standard of which weights and measures shall be conformable to those established by law.

SEC. 57. The City Council shall have power to make such ordinances and resolutions, not contrary to the constitution and laws of the United States and the laws of the Territory, as may be necessary and expedient to carry into effect the powers vested in the City Council or any officer of said city by this act, and enforce observance of all ordinances and resolutions made in pursuance of this act by penalties not exceeding one hundred dollars, or imprisonment not to exceed six months, or both.

SEC. 58. The City Council shall have exclusive authority and power to establish and regulate the police of the city; to impose fines, forfeitures and penalties, for the breach of any ordinance, to provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass, make, ordain, establish and execute all such ordinances not repugnant to the constitution and laws of the United States or the laws of this Territory, as they may deem necessary for carrying into effect and execution the powers specified in this act, and for the peace, good order, regulation, convenience and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof.

SEC. 59. To provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets or other public works, until the same shall be fully paid in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

SEC. 60. All ordinances passed by the City Council,

shall, within one month after they shall have been passed, be published in some newspaper printed in said city or certified copies thereof be posted up in three of the most public places in the city.

SEC. 61. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book form, purporting to be printed or published by the authority of the City Council, the same shall be received in evidence in all courts or places without further proof.

SEC. 62. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken, and if the amount of such compensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested men who shall be inhabitants of the city.

SEC. 63. All jurors empannelled to inquire into the amount of benefit or damages that shall happen to the owners of property so proposed to be taken shall first be sworn to that effect and shall return to the Mayor or presiding officer of the City Council, their inquest in writing, signed by each juror.

SEC. 64. All officers of the city created conservators of the peace by this act, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, commit for examination, and if necessary, detain such persons in custody forty-eight hours in the city prison, or other safe place, and shall have and exercise such other powers as conservators of the peace as the City Council may prescribe.

SEC. 65. The City Council shall cause to be published in some newspaper published in Logan City or posted up in three public places, on or before the first day of December in each year, a statement of the amount of city revenue, specifying in said statement whence derived, and for what disbursed.

GEORGE A. SMITH, President of the Council.

JOHN TAYLOR,

Speaker of the House of Representatives.

Approved January 18, 1865.

JAMES DUANE DOTY, Governor.

AN ACT

Jan. 18, 1865. *To amend the Charters of Certain Cities.*

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Tooele, Lehi, Alpine, American Fork, Pleasant Grove, Springville, Spanish Fork, Nephi, Manti, Fillmore, Parowan, Cedar and St. George cities are hereby authorized and empowered to license, regulate, prohibit or restrain the manufacturing, selling, or giving away of spirituous, vinous or fermented liquors, tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of ardent, vinous or fermented liquors.

SEC. 2. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheep, swine, goats and all kinds of poultry, amd to tax and regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to city ordinances.

SEC. 3. The second section of this act is hereby made applicable to Great Salt Lake City.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 18, 1865.

JAMES DUANE DOTY,
Governor.

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AN ACT

Jan. 19, 1865. *Pertaining to Damage done by Animals.*

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah; that owners of horses, mules, cattle, hogs, sheep and all other domestic animals shall be held liable to pay all damage done by

said animals upon the premises of other persons, whether said premises are protected by fences or not.

SEC. 2. Damage done by any animals trespassing shall forthwith be appraised by any three disinterested qualified voters, that can most readily be procured, who may make a reasonable charge for their services; and their apprisal and charge for their services shall be deemed amounts finally determined in law, which amounts, together with any additional expense necessarily incurred in keeping such animals, searching for its owner or otherwise, may, if payment thereof be refused or neglected, be sued for and collected as in action for debt.

SEC. 3. The appraisers must state in writing the time and place of the damage, the name of the person aggrieved, and if known, the name of the owner of the animal, the amount of damage they appraise and their charge, if any, for their services, so far as may be a general description of the animal and a specification of any marks and brands thereon, and sign and deliver their statement to the person aggrieved, and such statement shall be taken as evidence in any court.

SEC. 4. When the ownership of a trespassing animal is not known or cannot readily be learned, the person claiming pay for damage shall, as soon as practicable, furnish a descriptive advertisement of said animal for one insertion in some newspaper having a general circulation, or post it in three conspicuous places within the district; and if ownership is not proven within seven days from the insertion or posting up of said advertisement, the aggrieved person in any settlement where a stary pound is not kept for the receiving and taking care of animals, is hereby authorized, after advertising or posting notices to that effect in three conspicuous places within his neighborhood, during at least three days preceding, to sell said animal at public sale to the highest responsible bidder: provided the nearest Justice of the Peace or Constable superintends said sale and receives the proceeds thereof; and it is hereby made the duty of said Justice of the Peace or Constable to furnish the County Clerk with a description of said animal, which

shall be kept on file, also the amount of costs and sum obtained, which shall be recorded in a book kept for that purpose, and open for the inspection of the public; and after paying all charges and costs on said animal, including cost of advertising, recording, and a reasonable fee for his services, to immediatefy pay all surplus into the Territorial Treasury, to be therein held for the benefit of common schools; and every sale and purchase as afore said shall be valid in law; provided that the owner may reclaim such surplus within six months from the time of sale.

SEC. 5. In a settlement where a stray pound is at the time kept for the receiving and taking care of animals, and the ownership of a trespassing animal is not known or cannot readily be learned, the person aggrieved shall, directly after the damage is appraised, deliver said animal and a copy of the appraiser's statement in relation thereto, and such other charges, if any, as may have arisen through keeping said animal and driving it to a stray pound, to the keeper of said pound; and it is hereby made the duty of said pound keeper to receive said animal and take such care and make such dtsposition of it as is or may be provided by law for animals placed in his keeping; provided he hold said animal subject to the payment of such charges as were presented at the time it was delivered to him.

SEC. 6. When the ownership of a trespassing animal is not known or cannot be readily learned, and there is no stray pound at the time kept within the settlement, and the person aggrieved is unable to keep said animal, he may make such arrangements for its being properly kept at customary rates, and the expense thus incurred shall be paid as provided in this act for the payment of other expenses incurred on behalf of said animal.

SEC. 7. Upon petition stating that a specified region in any county is better adapted to grazing than to other agricultural purposes, if the County Court of said county so decide, then the other sections of this act shall be inoperative within said specified region during such time as said court in their judgement may determine.

SEC. 8. Any county in this Territory declaring by a

vote of two-thirds majority of its legal voters, in favor of fencing their farms, and of allowing their stock to run at large, may do so, by the County Court's calling a special election for that purpose. In such case, the foregoing sections of this act shall be inoperative and void, provided the stock owned in any such county shall be liable for all damage they may do to any crops growing in an adjoining county that may not have declared, by vote its exemption from the provisions of the foregoing sections of this act.

SEC. 9. All laws or parts of laws conflicting with this act are hereby repealed.

GEORGE A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 19, 1865.
JAMES DUANE DOTY,
Governor.

AN ACT

To Incorporate the Uinta Road Company. Jan. 20, 1865.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That William H. Hooper, Ben Holladay and W. L. Halsey and their associates assigns, are hereby constituted and declared a body politic and corporate with succession for the term of fifteen years to be known by the name and style of the "Uinta Road Company," by which name they may sue and be sued, plead and be impleaded, contract and be contracted with, and may have and use a common seal; and shall have power to hold and acquire real estate whereon to erect toll gates, houses, stations and bridges, and to dispose of and convey the same when no longer required for said purposes; and to make such rules, and regulations for the management of its affairs, and the number and appointment of its officers, and workmen as may be deemed necessary; and the said company are hereby in-

vested with all the powers and priviliges which may be necessary to carry into effect the purpose and object of this act.

SEC. 2. The said company are authorized and empowered to construct a wagon road from Utah Lake, eastward through Uinta Valley, to the eastern boundary of this Territory, there to connect with the road running westward from Denver through Colorado Territory, and also the exclusive right to erect bridges, over the streams traversed by said road and one mile above and below the crossing of said road; to erect toll gates on said road not to exceed one to every twenty miles of road, and to erect toll gates on each of said bridges, wherever the streams over which said bridges are erected, exceed one hundred feet in width, and to demand and collect at each of said gates, upon said road for each wagon or vehicle passing over said road drawn by one pair of horses, mules, or cattle, twenty-five cents, and for each additional pair ten (10) cents. For each riding horse or mule five (5) cents. For horses, mules, cattle or other animals driven loose five (5) cents per head, and to demand and to collect the following rates of toll at each said bridges, to wit:

For a wagon drawn by two animals, one dollar.

For each additional animal, twenty-five cents.

For vehicles drawn by one animal, fifty cents.

For each horse or mule and rider, ten cents. Provided, if the said company shall establish and maintain a ferry over Green River at the crossing of said road, they may charge for ferriage the same rates of toll as are allowed for passing over one of the company's bridges; and further provided, that five per cent. of all tolls collected, on the said road and bridges within this Territory, shall be paid annually to the Territorial Treasurer for the use and benefit of common schools.

SEC. 3. Any person passing over said road who shall refuse to pay the toll, herein required, shall forfeit and pay to said company, for each and every such offence, the sum of twenty-five dollars, to be recovered by action of debt by said corporation.

SEC. 4. Upon complaint being made to any Justice

of the Peace in any county through which said road is located, that any portion of said road, or any of said bridges, are not in reasonably good condition for wagons or vehicles to pass; the said Justice may summons the gate keeper nearest to the defective bridge or portion of the road to appear before him on a certain day, not more than five (5) from the day of complaint; and if it shall appear to the Justice that the complaint is true, judgment shall be rendered against the corporation as defendant for the costs of the proceedings, and thereafter no tolls shall be collected by said gate keeper, until the said road or bridge is repaired; provided, that if by reason of snow or high water, it shall not be possible for any person with reasonable expense to repair said road or bridge, a reasonable time shall be allowed for repairing the same before any judgments of costs shall be rendered.

SEC 4. No toll shall be levied upon the citizens of Utah Territory for travel on said road for local purposes, for the distance intervening between the point where the road begins in Utah County, and the summit of the dividing ridge between the waters of the Great Basin and the Colorado.

SEC. 6. It shall be the duty of the Uinta Road Company to make an annual report to the Legislative Assembly, during the first week of its session, said report to be to the thirty-first of the next preceeding October and to show all receipts and expenditures on said road and from what source and for what purpose.

SEC. 7. Nothing in this act shall be so construed as to prevent the Legislature from amending, altering or repealing the same when they think the public good requires it.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.

AN ACT

Jan. 20, 1865.

To Incorporate the City of Payson.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all the territory embraced in the following boundaries viz: Commencing at a point on the east bank of Utah Lake, due west from the center of the Public Square in the City of Payson in Utah County, thence south one mile, thence east to the mountains, thence along the base of the mountains, to a spring known as "Goose nest spring," thence northerly to a point where the bridge crosses the Pondtown slough, thence down said slough to Duck creek, thence west to to Peeteetneet creek and down the main channel of said creek to Utah Lake, thence south along the shore of said lake to the place of beginning, shall be known and designated as Payson, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid and shall have perpetual succession, and may have and use a common seal which they may change and alter at pleasure.

SEC. 2. The inhabitants of said city by the name and style aforesaid shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever, to purchase, receive, hold, sell, lease, convey, dispose of property real and personal for the benefit of said city, both within and without its corporate boundaries, to improve and protect such property and to do all other things in relation thereto as natural persons.

SEC. 3. The municipal government of said city is hereby vested in a City Council, to be composed of a Mayor, three Aldermen, one from each ward, and five Councilors, who shall have the qualifications of electors in said city, and shall be chosen by the qualified voters thereof, and shall hold their office for two years, and until their successors are elected and qualified.

SEC. 4. An election shall be held on the second Monday in February next; and every two years thereafter on said day, at which there shall be elected one Mayor, three Aldermen and five councilors; and the

persons respectively receiving the highest number of votes cast in the city for said officers shall be declared elected. When two or more candidates shall have an equal number of votes for the same office, the election shall be determined by the City Council.

SEC. 5. The first election under this act shall be conducted in the following manner, to wit: The county clerk of Utah County shall cause notice of the time and place, and the number and kind of officers to be chosen, to be posted up in four public places in said city, at least ten days previous to said election. Two judges shall be selected by the Probate Judge of Utah County, at least one week previous to the day of election; said judges shall choose two clerks, and the judges and clerks before entering upon their duties shall take and subscribe an oath or affirmation for the faithful discharge thereof. The poll shall be open at eight o'clock a.m. and shall close at six o'clock p.m. At the close of the election the judges shall seal up the ballot box, and the list of names of the electors, and transmit the same within two days to the county clerk of Utah County. As soon as the returns are received, the County clerk in the presence of the Probate judge shall unseal and examine them, and furnish within five days to each person having the highest number of votes, a certificate of his election. In case of a tie, it shall be decided by lot drawn by the County clerk in presence of the Probate judge.

SEC. 6. All subsequent elections held under this act shall be held, conducted, and returns thereof made as may be provided for by ordinance of the City Council.

SEC. 7. The City Council shall be judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business, shall determine the rules of their own proceedings, and shall meet at such time and place as they may direct; the Mayor shall preside when present and have a casting vote, and in the absence of the Mayor, any Alderman present may be appointed to preside over said meeting.

SEC. 8. The City Council may hold stated meetings and special meetings may be called by the Mayor or any two

Aldermen, by notice to each of the members of said council, served personally or left at their usual places of abode.

SEC. 9. The City Council shall have power to appoint a Marshal, Recorder, (who shall be the Auditor of Public Accounts,) Treasurer, Assessor and Collector, Supervisor of streets, Surveyor and Attorney, a Sexton, a Sealer of Weights and Measures, and all such other officers as may be necessary, define their duties, remove them from office at pleasure, and fix and establish the fees of all officers ,jurors and witnesses.

SEC. 10. All officers elected in accordance with the fourth section of this act may be removed for cause from such office by a vote of two-thirds of the City Council, and shall be furnished with the charges, and have an opportunity to be heard in his defense, and the council shall have power to compel the attendance of witnesses and the production of papers when necessary.

SEC. 11. When a vacancy shall happen by the death, resignation or removal of any officer, such vacancy may be filled by the City Council, and every person elected or appointed to any office under this act shall, before he enters upon the duties thereof, take and subscribe an oath or affirmation that he will support the Constitution of the United States, the laws of this Territory, and the ordinances of the City, and that he will well and truly perform all the duties of his office to the best of his knowledge and ability; and he may be required to give bonds as shall be prescribed by City ordinances, which oath and bond shall be filed with the City Recorder.

SEC. 12. The City Council shall have power to divide the City into wards, and specify the boundaries thereof, and when necessary create additional wards, and add to the number of Aldermen and Councilors, and proportion them among the several wards as may be just and most conducive to the welfare of said City.

SEC. 13. The Mayor and Aldermen shall be conservators of the peace within the limits of the City, and shall give bonds and qualify as other justices of the peace, and when so qulified shall possess the same powers and jurisdiction both in civil and criminal cases arising under

the laws of the Territory, and may be commissioned as justices of the peace in and for said City by the Governor. They shall account for and pay over all fines and forfeitures arising under the ordinances of the city into the City Treasury, and all fines and forfeitures arising under the laws of the Territory into the County Treasury, and shall issue such process as may be necessary to carry into effect all ordinances of said City. Appeals may be had from any decision or judgement of a Mayor or Alderman's court in the same manner as or may be provided by statute for appeals from justices' courts, and they shall account for and and pay over to the City Treasurer within three months all fines and forfeitures received by them, by virtue of their office, and they shall each keep a docket, subject at all times to the inspection of the City Council, and all other parties interested.

SEC. 14. All process issued by the Mayor or an Alderman shall be directed to the Marshall or other legal officers, and in execution thereof he shall be governed by such rules and regulations as may be provided by city ordinance.

SEC. 15. It shall be the duty of the Recorder to make and keep accurate records of all ordinances made by the City Council, and all their proceedings in a corporate capacity, which record shall at all times be open to the inspection of the electors of the City and all other parties interested, and audit all accounts of said incorporation. He shall have and keep a plat of all surveys within the city, and he is hereby authorized to take the acknowledgement of deeds, transfers and other instruments of writing, and shall perform such other duties as may be required of him by city ordinance.

SEC. 16. The Treasurer shall receive all money or funds belonging to the City, and shall keep an accurate account of all receipts and expenditures in such manner as the City Council shall direct. He shall pay all funds that may come to hand, by virtue of his office upon orders signed by the Auditor of Public accounts and shall report to the City Council a true account of his receipts and disbursements as they may require.

SEC. 17. The City Council shall have power within the city, by ordinance to annually levy and collect taxes

on the assessed value of all property in the city, made taxable by the laws of the Territory, for the following named purposes, to wit: Not to exceed five mills, on the dollar, to open, improve and keep in repair the streets of the City. The City Council is further empowered to divide the City into school districts, provide for the election of trustees, appoint a board of school inspectors, annually assess and collect and expend the necessary tax for school purposes, and for furnishing the city with water for irrigating and other purposes, and regulate and control the same; and furthermore, so far as may be necessary, control the water courses leading thereto in the immediate vicinity thereof.

SEC. 18. The City Council shall have the management and control of the finances and property of said City.

SEC. 19. To require and it is hereby made the duty of every male resident of the city over the age of eighteen, and under the age of fifty years, to labor, not to exceed two days in each year upon the streets; but every person may at his option, pay one dollar and fifty cents for the day he shall be so bound to labor; provided it be paid within five days from the time he shall be notified by the Street Supervisor. In default of payment as aforesaid the same may be collected as other taxes.

SEC. 20. The Council shall have power to borrow money for City purposes, the interest of which shall not exceed one-fourth of the City revenue arising from taxes of the previous year.

SEC. 21. The City Council shall have power by ordinance, to regulate the form of the assessment rolls. The annual assessment roll shall be returned by the Assessor on or before the first Monday of April in each year, but the time may be extended or additions made thereto by order of the City Council. On the return thereof, the City Council shall fix a day for hearing objections thereto and any person feeling aggrieved by the assessment of his property may appear at the time specified, and make his objections, which shall be heard and determined upon by the City Council, and they shall have power to alter, add to, take from and otherwise correct and revise said assessment roll.

SEC. 22. The Collector shall be furnished within thirty days after the assessment rolls are corrected with a list of taxes to be collected, and if not paid when demanded, the collector shall have power to collect said taxes with interest and cost, by suit in the corporate name as may be provided by ordinance. The assessment roll shall in all cases be evidence on the part of the corporation.

SEC. 23 To appropriate and provide for the payment of the expenses and debts of the City.

SEC. 24. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws, and enforce the same within the City and around it, not exceeding twelve miles next beyond the boundaries thereof.

SEC. 25. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and prevent and remove the same.

SEC. 26. To provide the city with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets for the extinguishment of fires and the convenience of the inhabitants.

SEC. 27. To direct or prohibit the location and management of houses for the storing of gunpowder, tar, pitch, resin or other combustible and dangerous materials within the city, and to regulate the conveying of gunpowder.

SEC. 28. To exclusively control, regulate, repair, amend and clear the streets, alleys, bridges, sidewalks, or cross-walks, and open, widen, straighten, or vacate streets and alleys, and put drains or ditches and sewers therein, and prevent the incumbering of the streets in any manner and protect the same from any incroachment and injury.

SEC. 29. To provide for the lighting of the streets, and erecting lamp posts; to erect market houses, and establish markets and market places and provide for the government and regulation thereof.

SEC. 30. To provide for the erection of all needful

buildings for the use of the City and for inclosing, improving and regulating all public grounds belonging to the City.

SEC. 31. To license, regulate, prohibit or restrain the manufacturers, sellers or venders of spirituous or fermented liquors, tavern keepers, dram or tippling shop keepers, boarding, victualing or coffee houses, restaurants, saloons or other houses or places for the selling or giving away of wines or other liquors, whether ardent, vinous or fermented.

SEC. 32. To license, tax, and regulate auctioneers, merchants, retailers, groceries, ordinaries, hawkers, pedlars, brokers, pawnbrokers, and money changers.

SEC. 33. To regulate the selling or giving away of any ardent spirits, or other intoxicating liquors by any shopkeeper, grocer or trader, to be drank in any shop, store, grocery, outhouse, yard, garden or other place within the City, except by persons or at places duly licensed; to forbid the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress, or to any Indian.

SEC. 34. To regulate and license or prohibit butchers, and to revoke their license for malconduct in the course of trade; and to regulate, license or restrain the sale of fresh meat and vegetables in the City.

SEC. 35. To license, tax, regulate, suppress or prohibit billiard tables, pin alleys, nine or ten pin alleys, or table and ball alleys; to suppress or restrain all disorderly houses and groceries; to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming, and all kinds of gambling; to prevent any riot, noise, disturbance, or disorderly assemblage, and to restrain and punish vagrants, mendicants, street beggars and prostitutes.

SEC. 36. To regulate, license, suppress or prohibit all exhibititions of common showmen, shows of every kind, concerts or other musical entertainments, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, ball rooms and all other exhibitions and amusements.

SEC. 37. To license, tax and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carrying of persons, and for wagonage, cartage, and drayage of property, as also to license and regulate porters, and fix the rate of porterage.

SEC. 38. To provide for the prevention and extinguishment of fires, to regulate the fixing of chimneys and the flues thereof, and stove pipes, and to organize and establish fire companies.

SEC. 39. To regulate and order parapet walls and other partition fences.

SEC. 40. To establish standard weights and measures, and to regulate the weights and measures to be used in the City in all cases not provided by law.

SEC. 41. To provide for the inspecting and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

SEC. 42. To provide for the inspection and weighing of hay, lime and stone coal, and the measuring of charcoal, firewood and other fuel to be sold or used within the City.

SEC. 43. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal; also beer, whisky, and brandy, and all other spirituous or fermented liquors.

SEC. 44. To regulate the weight and quality and price of bread sold and used in the City.

SEC. 45. The City Council shall have exclusive power within the City, by ordinance, to license, regulate or restrain the keeping of ferries and toll bridges.

SEC. 46. To provide for taking the enumeration of the inhabitants of the City; to regulate the burial of the dead, and registration of births, and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others for any default in the premises.

SEC. 47. To prevent horse racing, immoderate riding or driving in the streets, and to authorize their being stopped by any person; to punish or prohibit the abuse of animals; to compel persons to put up posts in front of their lots to fasten their horses and other animals; to com-

pel the fastening of horses, mules, oxen or other animals attached to vehicles whilst standing or remaining in the streets.

Sec. 48. To prevent encumbering the streets or side-walks, lanes, alleys and public grounds with carriages, tents, wagons, carts, sleighs, horses or other animals, sleds, wheel-barrows, boxes, lumber, timber, firewood, posts, awnings, signs, adobies, or any material or substance whatever.

Sec. 49. To restrain, regulate or prohibit the running at large of cattle, horses, mules, sheeps, swine, goats and all kinds of poultry, and to tax, prevent or regulate the keeping of dogs, and to authorize the destruction of the same when at large contrary to City ordinance.

Sec. 50. To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome place, to cleanse, remove or abate the same from time to time as oft as may be necessary for the health, comfort and convenience of the inhabitants of said city.

Sec. 51. To direct the location and management of, and regulate breweries, tanneries, and to direct the location, management and construction of, and restrain or, prohibit within the City, distilleries, slaughtering establishments, or places where nauseous, offensive or unwholesome business may be carried on.

Sec. 52. To prevent any person from bringing, depositing, or having within the limits of the City any dead carcass or any unwholesome substance, and to require the removal or the destruction of the same by any person who shall have placed or caused to be placed upon or near his premises, or near any of the streams of this city, any such substance or any putrid or unsound beef, pork, or fish, hides or skins of any kind, and on his default, to authorize the removal or destruction of the same, by any officer of said city.

Sec. 53. To direct and regulate the planting and preserving trees in the streets and public grounds, and regulate the fencing of lots within the boundaries of the city.

Sec. 54. To prevent the ringing of bells, the blow

ing of horns and bugles, the crying of goods and all other noices, performances and devices tending to disturb the peace and quiet of the said city.

Sec. 55. To grant and issue licences and direct the manner of issuing and registering thereof. Bonds may be taken on the granting of licences for the due observance of the ordinances of the City Council.

Sec. 56. To require every merchant, retailer, trader and dealer in merchandise or property of every description, which is sold by measure or weight, to cause their weights and measures to be sealed by the City Sealer and to be subject to his inspection, the standard of which weights and measures shall be conformable to those established by law.

Sec. 57. The City Council shall have power to make such ordinances and resolutons, not contrary to the Constitution and laws of the United States and the laws of the Territory, as may be necessary and expedient to carry into effect the powers vested in the City Council or any officer of said city by this act, and enforce observance of all ordinances and resolutions made in pursuance of this act by penalties not exceeding one hundred dollars or imprisonment not to exceed six months or both.

Sec. 58. The City Council shall have exclusive authority and power to establish and regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, to provide for the recovery of such fines and forfeitures, and the enforcement of such penalties, and to pass, make, ordain, establish and execute all such ordinances not repugnant to the Constitution and laws of the United States, or the laws of this Territory, as they may deem necessary for carrying into effect and execution the powers specified in this act, and for the peace, good order, regulation, convenience and cleanliness of the city, for the protection of property therein from destruction by fire or otherwise, and for the health, safety and happiness of the inhabitants thereof.

Sec. 59. To provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets or other

public works until the same shall be fully paid in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

SEC. 60. All ordinances passed by the City Council, shall within one month after they shall have been passed, be published in some newspaper printed in said city or certified copies thereof be posted up in three of the most public places in the city.

SEC. 61. All ordinances of the city may be proven by the seal of the corporation and when printed or published in book form purporting to be printed or published by the authority of the City Council, the same shall be received in evidence in all courts or places without further proof.

SEC. 62. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken, and if the amount of such composition cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested men who shall be inhabitants of the city.

SEC. 63. All jurors empanneled to inquire into the amounts of benefit or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect and shall return to the Mayor or presiding officer of the City Council, their inquest in writing, signed by each juror.

SEC. 64. All ordinances, resolutions, andregulations, now in force in the city of Payson and not inconsistent with this act, shall remain in force until altered, modified or repealed by the City Council after this act shall take effect.

SEC. 65. All actions, rights, fines, penalties and forfeitures in suit or otherwise which have accrued under the ordinances incorporating Payson City shall be vested in and prosecuted by the corporation hereby created.

SEC. 66. All plots and surveys of lands, lots or other places within said city heretofore surveyed by the surveyor, and all plots and surveys of land, lots, or other

places, that may be hereafter surveyed, and all certificates of surveys given by him shall be deemed valid by this act.

SEC. 67. All property now belonging to Payson City is hereby vested in the corporation created by this act, and the officers of said corporation now in office, shall respectively continue in the same until superceded in conformity to the provisions thereof; but shall be governed by this act.

SEC. 68. This act shall not invalidate any act done by the present City Council of Payson City or by its officers, nor divest their successors, under this act of any right, property or otherwise, or liability which may have accrued to, or been created by said Council prior to the passage of this act.

SEC. 69. All officers of the city, created conservators of the peace by this act, shall have power to arrest, or cause to be arrested with or without process, all persons who shall break the peace, commit for examination, and, if necessary, detain such persons in custody forty-eight hours in the City prison, or other safe place, and shall have and exercise such other powers as conservators of the peace, as the City Council may prescribe.

SEC. 70. Nothing in this act shall be construed as to deprive the present City Council of Payson City of any power or authority conferred upon them by the ordinance incorporating said city, and the act amendatory thereto; but said City Council shall possess, exercise and enjoy all powers and authority heretofore conferred upon them except so far as such powers and authority have been expressly modified and repealed by this act, until said City Council are superceded by the election and qualification of their successors under this act.

SEC. 71. All laws or parts of laws conflicting with the foregoing are hereby repealed

SEC. 72. The City Council shall cause to be published in some newspaper published in Payson City, or posted up in three public places on or before the first day of December in each year, a statement of the amount of city revenue, specifying in said statement whence derived and for what disbursed.

SEC. 73. This act shall be in force from and after the 24th day of January, 1865.

GEORGE A. SMITH
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives

Approved January 20, 1865.
JAMES DUANE DOTY, Governor.

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AN ACT

Jan. 20, 1865. *Creating an Agent to Receive and Manage the Agricultural Fund of the Territory.*

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Wilford Woodruff the President of the Deseret Agricultural and Manufacturing Society (and his successors in office) is hereby appointed Agent of and for this Territory, to receive and dispose of the titles to the public lands apportioned and donated to this Territory by an Act of Congress approved July 2d, 1862, and Act amendatory, approved April 14th, 1864 for purchase of site for Agricultural College and for other purposes.

SEC. 2. That the said Agent be required to execute and file in the office of the Territorial Treasurer, a bond with approved security for the payment to the people of this Territory, the sum of twenty thousand dollars, conditioned for the faithful discharge of the duties of his office; provided, said agent be not required to give bonds until entering upon the duties of his office as herein contemplated.

SEC. 3. That it shall be the duty of the said agent to adopt such measures as best to subserve the interests of this Territory in converting the title of said lands, into available means, to carry out the spirit and intent of the said Act of Congress, and so soon as practicable he shall locate and purchase grounds for an experimental

farm and site for college as contemplated by Act of Congress referred to.

SEC. 4. That it shall be the duty of said agent to report in full to the Legislative Assembly within the first week of its sitting, annually, his action under this law, and the state of the Agricultural fund.

SEC. 5. That the sum of fifteen hundred dollars is hereby appropriated out of any moneys in the Territorial Treasury not otherwise appropriated, to defray the expenses incurred by the agent, and for the promotion of agriculture and the mechanic arts, to be disbursed under the direction of the Board of Directors of the Deseret Agricultural and Manufacturing Society.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.

AN ACT

To Incorporate the Provo Kanyon Road Company. Jan. 20, 1865.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That William Miller and Shadrack Holdaway of Provo City, Utah County, Joseph S. Murdock, Isaac Decker and David Van Wagoner, of Wasatch County, with their associates and successors be and they are hereby created a body corporate to be known by the name and style of the Provo Kanyon Road Company, and in their corporate name shall have power to sue and be sued, to defend and be defended, in all courts of law and equity; to hold, lease, rent or convey real estate or personal property, and shall have perpetual succession for the term of twenty years, and may have a corporate seal, which they may use and alter at pleasure.

SEC. 2. The capital stock of the company shall consist of one thousand shares of fifty dollars each. Each shareholder shall be entitled to one vote for each share and each share shall be represented by a certificate of the same, which shall be transferable upon the books of the company in such a manner as the bye laws may direct.

The books of the company for the subscription of stock shall be open on or before the first Monday in March, one thousand eight hundred and sixty-five, and when one hundred shares shall have been subscribed, the Directors may by giving four weeks public notice in Provo and Heber cities call an election for a President, Secretary, Treasurer and four Directors, who shall hold their office for two years, or until their suecessors are elected and qualified The President, Treasurer and four Directors shall constitute a board for the government, and control of the affairs of the company. The board shall have power (by a majority vote,) to fill all vacances that may occur by the appointment of a suitable person who is hereby authorized to act as a member of the board until the time of the next regular election for President and Directors; but should circumstances occur to reduce the board to a minority, they may call a special meeting of the shareholders who are hereby authorized to fill a vacancy or elect a new board. Each shareholder may vote by person or by proxy.

SEC. 3. The Board of Directors are hereby authorized to enact such bye-laws and regulations for the government of the company as they may deem proper; provided, they are not incompatable with the laws of the United States or of Utah Territory. The object of this company is hereby declared to be the construction of a road through Provo Kanyon not less than twenty feet wide, from Utah Valley, Utah County, to Provo Valley, Wasatch County, and when said road is constructed and accepted by the Selectmen of Wasatch and Utah counties, said company are hereby authorized to collect toll thereon as provided in section 5 of this act:

In case the said road, or the bridges thereon are suffered to get out of repair, a majority of the Selectmen

of the counties of Utah and Wasatch may order the gate to be thrown open and the collection of toll stopped, until the necessary repairs are made.

Sec. 4. The books of the company shall be open for the inspection of the stockholders at all reasonable hours, and an exhibit of the financial affairs of the company (showing the receipts and expenditures of the same) shall be annually made on the first day of May in each year for the information of the stockholders.

Sec. 5. That the gate shall be located in Provo Kanyon, and the company may collect toll at the following rates (which toll is for the use of said road through the aforesaid Kanyon,) viz:

For every carriage or vehicle, drawn by two animals $1 00.

For every additional pair of animals 50 cts.

For each Horse or Mule led, rode or packed 25 cts.

For Sheep, Goats and Hogs, each, 5 cts.

Every loose animal of the horse or cattle kind, 15 cts.

Sec. 6. The aforesaid selectmen may accept the said road when made reasonably passable, and give a reasonable time for its completion as to width, as contemplated in the third section of this act, and when so accepted, toll may be taken at the rates as specified in the fifth section of this act.

Sec. 7. At the expiration of the aforesaid term of twenty years, said road shall become the property of the Commonwealth, in good condition as shall be accepted by the Selectmen of Utah and Wasatch counties.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.

AN ACT

Jan. 20, 1865. *To Incorporate Irrigation Companies.*

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That upon the majority of the citizens of any county or part thereof representing that more water is necessary, and that there are streams unclaimed, which, if brought out of their natural channels and thrown upon tracts of land under cultivation, or to be put under cultivation can be of value to the interests of agriculture, the county court having jurisdiction may proceed to organize the county or part thereof into an irrigation dintrict, and thereafter the landholders of such district shall be equally entitled to the use of the water in, or to be brought into such district according to their several needs.

SEC. 2. The citizens of an irrigation district when so organized for the purposes mentioned in the preceding section may, in mass meeting, after a general notice thereof has been given, proceed to the formation of a company by electing *viva voce* not less than three nor more than thirteen trustees, a secretary and a treasurer, and decide whether the tax to be levied shall be on all taxable property or upon the lands to be benefited.

SEC. 3. It shall be the duty of the trustees so elected to locate the proposed canal or ditch, determine the amount and quality of the land to be benefited thereby, to estimate the cost, including dams, flumes, locks, waste weirs and all the appurtenances belonging thereto, the amount per acre, or the per centage on taxable property which will be necessary to construct the same, less the value of the possession of any unoccupied lands on the line of such canal or ditch, and make a report including these items to the county court; provided, that if the tax to be levied is a property tax the estimates shall be made from the latest assessment rolls in the County Assessor's office.

SEC. 4. It shall then be the duty of the County Court, after at least six days public notice shall have been given in each precinct in the said irrigation dis-

trict, to hold an election at which the report of the Trustees, provided for in the preceding section shall be made public, and the electors shall vote yes or no, upon the following questions: First, do you mutually agree to pay per cent property tax, or per acre land tax, to construct the proposed ditch or canal? Second, do you approve the action of the mass meeting, in the election of officers? The votes shall be polled and counted in the manner prescribed in "An Act regulating elections; approved January 3, 1853; provided the meaning of the word electors used in this section shall only include tax-payers, if a property tax, or land-holders if a land tax in the said district.

SEC. 5. If upon counting the votes it shall appear that two-thirds of the votes polled have been answered in the affirmative, then the tax so levied shall be a law in the said irrigation district, and may be assessed and collected in the manner provided for Territorial revenue, and be paid over to the Treasurer of said company on his order; provided, that not exceeding one-half of the tax so levied shall be collected at one time, the residue to be collected as the work progresses.

SEC. 6. If less than two-thirds of the votes polled are answered in the affirmative. then all proceedings under this act shall be null and of no effect; provided that if there areobjections to the officers so elected by the mass meeting, the electors may write other names on their tickets, the persons having most votes to be declared elected.

SEC. 7. The officers so elected shall file bonds in the office of the Clerk of the County Court, conditioned for the faithful performance of their several duties, the amount of such bonds to be declared by the County Court having jurisdiction.

SEC. 8. The term of office the first Trustees, Secretary and Treasurer shall be till the next general election and thereafter for one year and until their successors are elected and file bonds.

SEC. 9. The Clerk of the County Court shall give notice of and prescribe the manner of conducting all subsequent elections for company officers, and if it should

be found necessary to increase the tax already levied such increase may be submitted to the people upon representation of the Trustees at any subsequent regular election for Territorial, County or Company officers, and if voted for as previously provided, shall be a law and be assessed and collected in the manner provided in the fifth section of this act.

Sec. 10. The Trustees at their first meeting shall elect one of their number, President, and it shall be their duty and they shall have power to fill any vacancy which may occur in the Board, by death, change of residence, or otherwise; the person chosen to hold office until the next annual election, to meet at such times and places as they may deem expedient, to make all by-laws, rules and regulations necessary to carry into effect the objects of the people, to appoint agents, subordinates and officers and employ such workmen as may be requisite, to appoint assessors and collectors or make agreement with county assessor and collector, to assess and collect the tax, and notify collectors when additional instalments of the tax will be needed to construct and complete said canal or ditch with all necessary appurtenances thereto, to cause to be kept an accurate account of all receipts and disbursements, and to make an annual report of all proceedings under this act on or before the first day of January to the Legislative Assembly; to complete the canal or ditch and settle all accounts of the same, and file all books, papers and accounts in the office of the Clerk of the County Court subject to future reference; and it shall be the duty of the Secretary to keep a record of all proceedings of the Board of Trustees in regard to such ditch or canal.

Sec. 11 The Trustees shall have power to sue and be sued, plead and be impleaded, to have and to hold all such real estate and personal property as may be necessary to coustruct the contemplated ditch or canal, including all appurtenances belonging thereto.

Sec. 12. If any part of the lands to be benefitted by the proposed ditch or canal, are not legally claimed, then such lands may be appraised by the Trustees, and shall be held, and the possession of them sold by the Trustees as opportunity may offer, and the estimated

amount of funds necessary to complete such canal or ditch shall be decreased by the estimated value of such lands, previous to the levy and assessment of any tax.

SEC. 13. Where the streams to be taken out for irrigation purposes come from counties other than the one in which the district is situated, but where there are no existing claims to the water, and where no individual or settlement will be injured thereby, then the power of said irrigation district is hereby extended to said other county, insomuch as said extension may be necessary for the construction of dams, to turn the waters and ditches or canals with all necessary appurtenances, as may be necessary to convey the same to where it is to be used.

SEC. 14. Where lakes or ponds in natural basins have outlets, or where such can be made by dams across hollows, such lakes or ponds may be used as reservoirs to store water for lands lying on lower levels, and the people of any irrigation district may under the provisions of this act, construct such artificial or use such natural basins for irrigation purposes: Provided, the waters of such lakes or ponds are in no case to be raised by dams or otherwise, so as to interfere with or damage settlers upon the margin thereof.

SEC. 15. Upon the completion of any canal, ditch or reservoir contemplated in this act, they shall become the property of the irrigation district, and thereafter all funds necessary for repairs upon the said canal, ditch or reservoir, and for keeping the same in order, or for altering or enlarging the same may be levied by a tax upon the lands benefited, the landholders in the district to vote upon the same in the manner heretofore provided for in this act.

SEC. 16. All property or money belonging to any irrigation district in the hands of trustees to be expended by them under the provisions of this act, is hereby exempted from all City, County, and Territorial taxes.

SEC. 17. After any canal or ditch shall have been laid out under this act, or under any special charter where other provision has not been made, the Trustees or Company may agree with the owners of land through which it will pass for the purchase of so much thereof, as

may be necessary for the making of the canal or ditch, and the appurtenances thereto belonging.

SEC. 18. In every case where the owner of the land so required shall be absent from the County, or shall not from any case be capable in law so to agree, or shall refuse to agree, or ask an exorbitant price, the value of such land, and the damages to the owner thereof shall be ascertained in the following manner: First, the occupant of or claimnant to such land and the Trustees may each select referees, and in case of disagreement they two may select a third, and these referees shall proceed to determine the value of the land under controversy and assess the amount of damages, if any, which each owner of lands or improvements has sustained or will sustain in consequence thereof. Second: The appraisal with a description of the land so appraised shall be acknowledged by the referees signing it before the clerk of the County Court, in which the lands are situated, and when so acknowledged, shall be filed in the County clerk's office, within ten days after it shall have been made.

SEC. 19. The Trustees upon payment to the rightful claimnant of the several sums assessed, in the appraisal so made, or upon making a tender thereof, when the same shall be refused, shall be entitled to enter upon the lands described in the appraisal, and have and hold the same for the use and benefit of such irrigation district for ever.

SEC. 20. If on any parcel of the lands so described, there shall be no person then living, authorized to receive payment for the damages assessed for such parcel, and such damages shall not have been lawfully demanded within ten days after the filing of such appraisal, the board of Trustees may enter thereon without payment or tender of such damages, but subject to such payment whenever the same shall be thereafter lawfully required.

SEC. 21. If any person shall break, injure or destroy any bank, dam, flume, waste-weir, lock or gate on said canal or ditch, or any of the appurtenances belonging thereto, or in use upon the same, or take water from the same canal or ditch, except by direction of proper officers,

such person so offending shall for every such offence be liable to a civil suit for the recovery of damages, to be prosecuted for before any court having jurisdiction, by any tax payer, in the irrigation district, and shall also be subject to indictment, and upon conviction shall be punished by fine not exceeding one thousand dollars or imprisonment not exceeding one year, or by both fine and imprisonment at the discretion of the Court.

SEC. 22. All companies or districts organized under the provisions of this act shall be liable for any damages which may occur by breakage of any canal or ditch, which damages may be appraised and collected in the manner prescribed in the eighteenth and nineteenth sections of this act.

SEC. 23. Nothing in this act shall be so construed as to interfere with the right of the Legislative Assembly to repeal, alter or amend the same at pleasure.

GEORGE A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.
JAMES DUANE DOTY,
Governor.

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AN ACT

To Incorporate the Ogden Kanyon Road Company. Jan. 20, 1865.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That Lorin Farr, Chancey W. West, sen. Isaac N. Goodale, Lester I. Herrick, Aaron F. Farr, Erastus Brigham, sen., Green Taylor and their associates and successors are hereby constituted a body corporate, to be known by the name and style of Ogden Kanyon Road Company, for the purpose of making a good wagon road from the mouth of Ogden River Kanyon, to Ogden Valley; and by said name and style they and their successors shall have power,

from and after the passage of this act, for the term of thirty years, to contract and be contracted with, sue and and be sued in all actions of law or equity in any court having competent jurisdiction; and do and perform any and all other acts in their corporate name that any individual can have or has a lawful right to do; make and use a common seal and alter the same at pleasure, and do all other acts necessary for the proper exercise of the powers and privileges conferred and granted in this act.

SEC. 2. The aforesaid company shall have the right and privilege, and the same are hereby conferred, to build a good wagon road up the aforesaid Kanyon, from its mouth to Ogden Valley, to the acceptance of the county court of Weber County, and take toll thereon, at the following rates:

For every vehicle, drawn by two animals one dollar and fifty cents.

For every two additional animals, fifty cents.

For every horse or mule rode or led, twenty-five cents.

For all loose animals of horse, mule or cattle kind, ten cents each.

For sheep, goats and swine, five cents each.

SEC. 3. Any person paying into said company twenty five dollars may become an associate and shareholder, and each shareholder shall be entitled to a vote for each share he may hold in said company.

SEC. 4. The officers of said company shall consist of a President, vice-President, and five Directors who shall constitute a board, a majority of whom shall form a quorum to do business, and shall have power to fill all vacancies that may occur in the board by death or otherwise, said board, before entering upon the duties of their office, shall give bond with approved security to the acceptance of the Probate Judge of Weber County, and be filed in the office of the County clerk. The board of Directors shall have power to appoint a Secretary, Treasurer, Superintendent of Roads and all other officers that they may deem necessary and may require them to give bonds conditioned for the faithful performance of

their duties, and shall have power to ordain and make all necessary bye-laws and regulations for the carrying into effect the provisions of this act. for the building, protecting and keeping in repair said road, for the preservation of the timber in the Kanyon and its tributaries, and for all other purposes whatsoever pertaining to the interest of said company; provided, they make no laws conflicting with the Constitution and laws of the United States, or the laws of this Territory.

SEC. 5. On the second Monday of February, 1865, and annually thereafter, there shall be an election held in Ogden City, for the purpose of electing a President, vice-President and five Directors for said company, and for the first election under the provisions of this act. The President of the present Ogden Kanyon Road Company, shall notify the shareholders of said company, by posting up notices of said election in six of the most public places in said county, at least ten days previous thereunto. Said election shall be conducted in such manner as is provided for in the bye-laws of the present Ogden Kanyon Road Company, and all subsequent elections shall be held and conducted as may be provided for by the board acting under the provisions of this act.

SEC. 6. Any person forcibly or fraudulently passing any toll gate erected on said road, shall for each offence be liable to a fine not exceeding one hundred dollars and costs, to be prosecuted for in any court having jurisdiction by any officer, agent, servant or stockholder, in the name of said company.

SEC. 7. If any person shall obstruct, break, injure or destroy any part of the road of said company, or any work or fixture attached to or in use upon the same, the person or persons so offending shall, for every such offence, be liable to a civil suit for the recovery of damages by said company, and shall also be subject to indictment, and upon conviction, shall be punished by fine not exceeding five hundred dollars, and imprisonment not exceeding six months at the discretion of the court.

SEC. 8. Each toll gatherer duly authorized by the President and Directors of said company, may detain and prevent from passing through his gate, any person

riding, leading or driving animals, and any carriage or other vehicles, until he has received the tolls authorized by this act.

SEC. 9. Nothing in this act shall be so construed as to deprive the present Ogden Kanyon Road Company of any power or privilege conferred upon them by the grant of the county court of Weber county, incorporating said company, but said company may possess, exercise, and enjoy all the privileges heretofore conferred upon them, until the officers of said company are superseded by the election and qualification of their successors under this act.

SEC. 10. Nothing shall be so construed in this act as to prevent the Legislature from altering and amending the same at pleasure.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.

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AN ACT

Jan. 20, 1865.

In Relation to Defrauding, and Cheating, or Swindling.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That any person in any manner knowingly a party to wrongfully conveying any land or land claim or improvement thereon, any bond, execution or any other description of property with intent to deceive, or defraud, or to delay or defeat the payment of just debts, or who shall sell or exchange any description of property which he at the time knows is adulterated, damaged or diseased, without first truly informing the purchaser concerning the actual condition

or quality of said property, shall be deemed guilty of fraud, and shall, on conviction thereof, be fined, not exceeding one thousand dollars, or be imprisoned in the county jail not exceeding one year at daily hard labor, during customary hours, upon the streets, highways and public works and buildings of the county, provided such labor shall be performed with a ball and chain attached to a prisoner whenever the jailer deems it necessary, or both fine and imprisonment as aforesaid.

SEC. 2. Any person knowingly obtaining any property through any false pretense or representation made by himself or at his instigation, shall be deemed a cheat or swindler, and shall, on conviction thereof, be fined or imprisoned, or both, as provided in the foregoing section for the punishment of fraud.

SEC. 3. Any person convicted under this act shall also be liable to make full restitution and pay all damages to the party aggrieved.

GEO. A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives.

Approved Jan. 20, 1865.

JAMES DUANE DOTY,
Governor.

AN ACT

Governing Writs of Attachments and Garnishments. Jan. 20, 1865.

SEC. 1 Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That if any creditor, his agent or attorney, shall file an affidavit in any of the courts in this Territory, according to their respective jurisdiction, setting forth that any person is indebted to such creditor, stating the nature and amount of such indebtness as near as may be, and that such debtor has departed or is about to depart from this Territory or the county in which he resides, or wherein the

complaint was made, with the intention of having his effects removed from this Territory or County as aforesaid, or is about removing his property as aforesaid to the injury of such creditor, or that such debtor conceals himself or stands in defiance of an officer, so that process cannot be served upon him, or is not a resident of this Territory, it shall be lawful for said courts to issue a writ of attachment directed to the proper officer, commanding him to attach, in whose possession the same may be found the land claims and improvements thereon, or other property of such debtor, or so much thereof as will be sufficient to satisfy the claim sworn to and the interest, damage and costs of suit.

SEC. 2. Such officers shall without delay, execute such writ of attachment upon the land claims and improvements thereon, or other property of the debt of or value sufficient to satisfy the demand sworn to, and interest, damage and costs, as he may have been commanded in said writ, and make returns of his doings thereon as on other writs, with an inventory of the property by him attached, indorsed thereon, or thereunto annexed. If the defendant or any person for him is in the act of removing any personal property, the officer may pursue and take the same in any county of this Territory, and return the same to the county from which such attachment issued. He shall also serve said writ of attachment upon the defendant, if he can be found by reading the same to him, or delivering a copy thereof, and the return to such writ, must state the manner in which it was served.

SEC. 3. Every court, before granting an attachment, shall take bond and security from the party for whom the same shall be issued, his agent or attorney, payable to the defendant in double the sum sworn to be due, conditioned for satisfying all costs and damages which may be awarded to such defendant, or others interested in the proceedings, by reason of plaintiff wrongfully sueing such attachment.

SEC. 4. When the Sheriff or other officer having charge of said writ is unable to find property of any defendant sufficient to satisfy any attachment under the

provisions of this act, he is hereby required to summon any person or persons the plaintiff shall designate as having any property or things in action in his or their possession or power belonging to the defendant, or who are in any wise indebted to such defendant, to appear before the court to which the writ is returnable on the return day of the attachment, then and there to answer upon oath what amount he is or they are indebted to the defendant in the attachment or what property or things in action he has or they have in possession or power at the time of serving the attachment. The person or persons so summoned shall be considered a garnishee or garnishees, and the officer shall state in his return the name or names of the person or persons so summoned and the date of service, and the court may render judgment against said garnishee or garnishees for the amount found due; provided, that a person garnisheed shall not be liable for any costs or damages that may have been awarded to any one interested in the proceedings, beyond the actual amount of his indebtedness to the defendant in the attachment.

SEC. 5. The officer serving the writ shall take and retain the possession of the property attached, to be subject to a judgment or decree of the court, unless the person in whose possession the same may be found, enters into bond and security to the officer, to be approved by him, in at least double the value of the property attached, with condition that the property shall be forthcoming to answer the judgment of the court in said suit.

SEC. 6. When a person is served with a summons as garnishee, according to the provisions of this act, it shall be lawful for the garnishee to pay to the officer the amount due from him to the defendant; provided, it does not exceed the amount claimed and sworn to in the attachment; and the officer's receipt to him shall be his exonerator from the amount so paid.

SEC. 7. Whenever judgment is rendered against any garnishee, and it shall appear that the debt from him to the defendant in the attachment is not yet due, execution shall not issue against him until the same shall become

due; and property sold by virtue of a writ of atttach ment shall be governed by the rules governing property taken and sold by execution.

SEC. 8. If, upon the sale of any property under the provisions of this act, there is any surplus left in the hands of the officer after satisfaction of the judgment and all costs, he is hereby required to forthwith pay all such surplus to the defendant, if he is present, and if he is not present, as soon thereafter as the same shall be legally demanded: provided, that if the defendant be a non-resident of the county, the officer shall deposit said surplus with the court, who shall notify the defendant as soon as practicable, of the amount so deposited in his hands.

SEC. 9. That sections fourteen and fifteen of an act entitled "an act regulating the mode of procedure in civil cases in the courts of the Territory of Utah" approved Dec. 30, 1852, also an act entitled, "an act in relation to attachments and garnishments," approved Jan. 16, 1862, are hereby repealed.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved, Jan. 20, 1865.

JAMES DUANE DOTY,
Governor.

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AN ACT

Jan. 20, 1865

Authorizing the Territorial Superintendent of Common Schools to Collect Certain Moneys.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the Territorial Superintendent of Common Schools, is hereby authorized, empowered and required to proceed against all delinquent parties on their bonds, who do not

annually pay the percentage to Common Schools, required by the provisions of their charters, or grants.

SEC. 2. It shall further be the duty of the said superintendent to pay over all moneys obtained under the provisions of this act, to the Territorial Treasurer, and report his doings in the premises, annually, to the Legislative Assembly.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved Dec. 20, 1864,
JAMES DUANE DOTY,
Governor Utah Territory.

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AN ACT

Granting to the Overland Mail Company the Right to Construct a Graded Road Across Dugway Mountain, and to Collect Toll for the Use of the same.

Jan. 20, 1865.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the Overland Mail Company, through its Directors, Agents or Representatives, is hereby authorized to construct a graded road, to the acceptance of the county court of Tooele County, across what is termed the Dugway Mountain, situated near the Mail station, of that name and distant, westerly of Salt Lake City, one hundred and five miles, and to have the privilege of erecting one toll gate, at such point at or near the eastern base of said mountain as may be deemed most advantageous, and to collect toll for the use of said road, for the period of ten years, the rate of toll to be determined from time to time by the County Court of Tooele County.

SEC. 2. The said Overland Mail Company is hereby required to make an annual report during the first week

of the Legislative Assembly, of all receipts and expenditures on said road, and to pay into the Territorial Treasury, for the use and benefit of Common Schools, five per cent. of all tolls collected thereon. And it is further required to keep said graded road in good repair, and to apply all its revenue over and above necessary expenditures for making and keeping it in repair, and for the payment of the assessment heretofore named, to the general improvement of the public road now used by said company, within the Territory of Utah, and especially that portion lying between Black Rock and Kanyon stations.

SEC. 3. The said Overland Mail Company shall give bonds to the people of the Territory of Utah, in the penal sum of five thousand dollars, conditioned for the faithful compliance with the provisions of this charter, and to secure all persons for any damage that may accrue from their neglect, which bonds shall be accepted by and filed with the Probate Court of Tooele County.

SEC. 4. The Legislature reserve the right to repeal, alter or amend all the privileges granted in this charter.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.

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AN ACT

Jan. 20, 1865. *To Amend an Act Providing for a Poll Tax for Road Purposes.*

Be it enacted by the Governor and Legislative Assembly of the Territory or Utah: That the first section of an act providing for a Poll Tax for Road purposes, approved Jan. 16, 1862, be so amended that the word

"March" in the third line of section 1 shall read December.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.

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AN ACT

Changing the North Boundary Line of Springville City. Jan. 20, 1865.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the north boundary line of Springville City is hereby extended to the south boundary line of Provo City in Utah County, as defined in an act to incorporate Provo City, Approved Jan. 21, 1864.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.

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TERRITORIAL APPROPRIATION BILL.

Jan. 20, 1865.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That there be paid out of any money in the Territorial Treasury not otherwise appropriated, the following amounts viz:

The last instalment to reimburse Brigham Young and Feramorz Little, one-sixth of the appropriation for making the road in Provo Kanyon, three thousand one hundred and sixty-six dollars, and twenty-seven cents. 3166 27

To William Clayton for service for the year 1864, as Auditor of Public Accounts, four hundred dollars. 400 00

To David O. Calder for service for the year 1864, as Territorial Treasurer, four hundred dollars. 400 00

To Adjutant-General Hyrum B. Clawson, for service for the year 1864, three hundred dollars. 300 00

To Theodore Mc Kean, for service as Territorial Road Commissioner for the year 1864, four hundred dollars; for books and stationary, fifteen dollars. 415 00

To cancel the amount already expended in repairing the road in Silver Creek Kanyon, five hundred and four dollars and eighty-three cents. 504 83

To reinburse Brigham Young for repairs done and improvements made on the State Road, between Great Salt Lake City and Big Cottonwood Creek, in the year 1862, eight thousand, seven hundred and sixty-one dollars and fifty cents. 8761 50

To assist in completing the bridge across Ogden River, Weber County, on the State Road, five hundred dollars. 500 00

To repair the abutments of Jordan Bridge, and the State Road running west from Great Salt Lake City, one thousand dollars. 1000 00

To reimburse expenses and assist in completing the road from Ogden Valley to Bear Lake, Richland County, three thousand dollars, and to make a bridge across Blacksmith's Fork, on said road, one thousand dollars. 4000 00

To repair the road in Salt Creek Kanyon, Juab County, two hundred and fifty dollars. 250 00

To repair the road in Spanish Fork, and Thistle Creek Kanyon, seven hundred and fifty dollars. 750 00

To improve the roads in Washington County, three thousand dollars. 3000 00

To assist in turnpiking the Road through Mud Lake in Millard County, five hundred dollars. 500 00

To repair the road north of Brigham City, Box Elder County, five hundred dollars. 500 00

To open a road from Ogden Valley to Paradise, Cache County, five hundred dollars. 500 00

To make a ford or bridge across Slough Spring, near the Mill Stone point, Great Salt Lake County, three hundred dollars. 300 00

To repair the road in Wild Cat Kanyon, and over Pine Mountain, Beaver County, five hundred dollars. 500 00

To assist in completing the road around the point of the mountain in Utah and Great Salt Lake Counties, one thousand dollars. 1000 00

To pay W. F. Anderson for attendance on R. R. Hopkins, one hundred and fifty dollars. 150 00

To Jesse W. Fox for services rendered as Surveyor General as per bill, sixty-eight dollars. 68 00

For Secretary, one hundred dollars. 100 00

To the Warden of the Penitentiary to reimburse for labor done and material furnished in the fall of 1864, four hundred and twenty-six dollars and sixty-three cents. 426 63

To George Handley for mason work on the Penitentiary in the fall of 1864, one hundred and thirty-four dollars and fifty-three cents. 134 53

To George J. Taylor for services as engrossing clerk, thirty-nine dollars. 39 00

To James Mair for services as engrossing clerk, thirty-nine dollars. 39 00

To W. F. Anderson M. D. for services for attendance on convicts, thirty-five dollars. 35 00

To Levi Wheeler, the balance due him by Seth M. Blair for building the lower Weber bridge, near Plain City, in Weber County; and upon the payment thereof, the bridge to become the property of the Territory, two thousand dollars. 2000 00

To David O. Calder, to reimburse him for stationary furnished the Territory for the years 1857-8-9-60-61-62-63 and 1864, ninety-one dollars and fifty cents. 91 000

To Robert L. Campbell, Superintendant of Common Schools for services for the year 1864, two hundred dollars. 200 00

To the superintendant of Common Schools, for County records for each county, and forms for county snperintendants, one hundred dollars. 100 00

For stationery, for the years 1864-5, fifty dollars. 50 00

To Patrick Lynch for services in the Third Judicial District Court, for the year 1864, one hundred and twelve dollars. 112 00

To J. D. T. Mc Allister, Territorial Marshall for services as per his bill for the deficiency in 1863, and the year 1864, three hundred and forty-seven dollars and twenty cents. 347 20

To Richard V. Morris, clerk of Committeee on Irrigation, and for Postal affairs, Eighteen dollars. 18 00

To the Deseret Agricultural and Manufacturing Society, to cover amount in an account, creating an agent to receive and manage the agricultural fund of this Territory, fifteen hundred dollars. 1500 00

And amount required to carry into effect a resolution, providing for a report on irrigation, one thousand dollars. 1000 00

For supplies and guard of prisoners in the Penitentiary, three thousand dollars. 3000 00

To A. P. Rockwood for services as Warden of the Penitentiary, for the year 1864, twelve hundred dollars. 1200 00

To locate and construct a road to connect Washington and Piute counties through Kane County, two thousand dollars. 2000 00

To repair the Sevier bridge, grade around the point of the hill and raise the road on this side, and widen the road on the other side of the bridge, one thousand dollars. 1000 00

To make a road between Circleville, Piute County, and Little Salt Lake Valley, Iron County, five hundred dollars. 500 00

To Aurelius Miner for services in the Third Judicial District Court, for 1863, one hundred dollars. 100 00

To assist in constructing a bridge across the Provo River, two thousand dollars. 2000 00

To assist in constructing a bridge across Hobble Creek in Springville City, Utah County; provided, that the corporation of Springville shall furnish the remainder to build a bridge worth two thousand dollars, one thousand dollars. 1000 00

All sums herein appropriated to be expended on roads and bridges, shall be drawn and expended under the direction of the Territorial Road Commissioner.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.

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AN ACT

Assigning Associate Justice McCurdy to a Judicial District. Jan. 20, 1865

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the Honorable Solomon P. McCurdy is hereby assigned to the Second Judicial District.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.

AN ACT

June 20, 1865. *Prescribing the manner of Assessing and Collecting Territorial and County Taxes, and for other purposes.*

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That annually at its session in December, each County Court shall appoint an Assessor, who shall also be the Collector, to assess and collect Territorial and County Taxes, and who shall give bonds before entering upon the duties of his office, with approved security, payable to the Territory, and County, in at least twice the amount of the taxes to be collected, conditioned for the faithful performance of his duties, and he shall take and subscribe an oath to the like effect, said bond shall be filed with the Probate Judge, and may be increased whenever the County Court shall deem it necessary; provided, that the County clerk shall deem it necessary; provided, further, that for the current year, Assessors and Collectors may be appointed at any regular, or special term of the County Court, and until they are so appointed and qualified, existing Assessors and Collectors are continued in office.

SEC. 2. An annual assessment shall be made on all taxable property in the several counties of the Territory between the first day of January and the first Monday in June; provided, that the Assessor and Collector shall assess and collect a tax upon all taxable property, brought into this Territory for sale, or offered for sale in the Territory, after the assessment list is completed, at the rates of the regular assessment for the current year. Property shall be assessed at a fair cash value.

SEC. 3. A Territorial tax of one half of one per cent on the assessed value of all taxable property in the Territory shall be collected annually, and a county tax, at a rate prescribed by the County Court, not to exceed one half of one per cent. on the assessed value of all taxable property in the County, may be collected annually in each county.

SEC. 4. As soon as the Assessor and Collector shal have filed his bonds, the County Clerk in each County shall furnish the Assessor and Collector with a suitable book conveniently ruled throughout, and headed as follows:

Names of owners or possessors.
Residence.
Value of land claims and improvements.
Number of Cattle.
Value.
Number of Horses.
Value.
Number of Asses.
Value.
Number of Mules.
Value.
Number of Sheep and Goats.
Value.
Number of Swine.
Value.
Number of Vehicles.
Value.
Number of Clocks and Watches.
Value.
Value of Merchandize.
Value of Stock in Trading and Manufacturing Companies
Value of Gold Dust and Bullion.
Value of Gold and Silver Ornaments.
Money loaned and on hand.
Value of Taxable Property, not enumerated.
Total value.
Amount of Territorial Tax.
Amount of County Tax.
Amount paid.
Name of payer.
REMARKS.

SEC. 5. The Assessor and Collector must make his tax list in alphabetical order and shall pursue that course in his official duties, which, in his judgment will enable him to complete the assessment in the most uniform manner, and in the shortest time, and to aid him therein, may, when necessary, leave with any person, at the residence of the person to be assessed, a copy of the aforesaid heading, with the name of the person required to fill it, and a reasonable date on or before which it must be returned, written on the back thereof; and any person furnished with said list must comply with its requirements.

SEC. 6. The Assessor and Collector shall annually present the tax list to the County Court at its June session; and all complaints of error in the assessment may be presented to the court during said session, when they shall be examined, and finally adjudicated; provided, that any person desirious of moving his property ont of the country before the proper time for adjudication of such cases, may give notice to the Probate Judge of said county, who may immediately cause a special term, if required, of the court to be held, and shall adjudicate all such cases as may be presented.

SEC. 7. Immediately after the adjournment of the June session, the clerk of the court shall write upon the head of the tax list, the Territorial and County rate per cent. for that year, and set each person's amount of the Territorial and County tax in the proper columns opposite his name, and furnish it to the Assessor and Collector, and inform the Territorial Treasurer, and the Auditor of Public Accounts, of the total amount of the Territorial tax; the name of the Assessor and Collector, and the amount allowed for his services, which must be paid by the Territory and County, in proportion to their share of taxes; and safely file the original list with the office records.

SEC. 8. When the Assessor and Collector receives the tax list, he shall immediately proceed to collect the same, by requiring the same of each tax-payer his amount of tax, and shall pay the part collected for the County, to the County Treasurer, once a month, or

oftener if required by the County Court; and the part collected for the Territory, to the Territorial Treasurer, quarter yearly, or oftener, if required by said Treasurer; and take receipts for all payments. It shall be the duty of, and the Territorial Treasurer may instruct the County Court, to audit the Assessor's and Collector's books, and compare the same with the Auditor's receipts which he may have received, and in all cases of neglect or refusal, on the part of the Assessor and Collector, to pay over to the Treasurers, the taxes collected as provided in this section, the County Court is hereby authorized and required to proceed against him in a civil suit on his bonds, and he shall be liable to indictment for embezzlement, and upon conviction thereof, shall be punished by fine in any sum not exceeding twice the amount of the sum so embezzled, or be imprisoned, not exceeding five years at daily hard labor; provided, such labor shall be performed by ball and chain attached whenever the jailor deems it necessary, or both, at the discretion of the court having jurisdiction.

SEC. 9. It shall be the duty of the Auditor of Public Accounts, and the clerks of the County Courts, to keep an account with the Assessors and Collectors, debiting each Collector with the amount of tax, and crediting him with amounts paid, in the amount remitted by the courts and the compensation allowed for his services.

SEC. 10. In case any person neglect or refuse to pay his tax when required, the Assessor and Collector is hereby required and empowered to take and sell enough taxable property belonging to the delinquent, to pay his tax and the costs of collection. Said property shall be sold to the highest bidder, at public sale, after at least six days' public notice shall have been given of the time, place of sale and kind of property to be sold; provided, proceedings may be staid at any time by the delinquent paying his tax, and the amount of costs already accrued. Auditors' warrants shall be received on Territorial taxes, and County orders on County taxes, in the respective counties.

SEC. 11. If necessary, the Assessor and Collector may appoint a deputy or deputies, to assist him in the

discharge of his duties, for whose official acts and compensations he shall be responsible and the Assessors and Collectors, and their deputies are hereby empowered to administer oaths, when necessary, in the assessment of property, and may require any person to give a statement of his property under oath.

SEC. 12. If at any time after an assessment has been made, it shall appear that any person has undervalued, or has not given in a correct statement of his taxable property, the Assessor and Collector is hereby authorized to assess and collect a tax on said property, at double the rates per cent. for the current year, fifty per cent. of the penalty to be retained for the benefit of the Assessor and Collector, the balance to be paid over as other taxes to the Territorial and County Treasurer; provided, that if any Collector, by undue means, shall seek to obtain the fifty per cent., herein provided for, he shall be liable to a suit on his bonds, for double the amount of the damage done to any individual thereby.

SEC. 13. When the public good of any county or any portion thereof, requires an expenditure exceeding its revenue, the County Court may, at any general or special election, after at least twenty days' public notice has been given, submit to the tax-payers of the County or portion thereof, for their approval or disapproval, the object of such expenditure, the amount required and the rate per cent. necessary to raise the amount; and, if, upon counting the votes, it shall appear that two-thirds of the votes polled shall be in the affirmative, the County Court may proceed to assess and collect the same, in the manner heretofore provided for Territorial and County taxes. Said election shall be held and conducted and returns made, in the manner prescribed in an act regulating elections, approved Jan. 3, 1853.

SEC. 14. The County Court shall, during its June session, examine the tax list and hear complaints for errors in assesment, and if, in their judgment all, or part of any person's taxes ought to be remitted, the clerk of the County Court shall write the word remitted against such person's name, with the amount of the remittance, al- or in part; and when the examination of the list is complet ed, the clerk of the Court shall forthwith report to the

Territorial Treasurer and the Auditor of Public Accounts the amount of the Territorial taxes remitted, and said court at its September session shall again examine said tax list, and hear petitions for remittances, and proceed as at the June session, in regard to remittances, and, on or before the thirty-first day of October, in each year, the Assessor and Collector shall settle with the Auditor of Public Accounts, and shall pay over to the Territorial Treasurer all delinquent taxes due to the Territory, and the Assesor and Collector is hereby empowered to collect such delinquent taxes for his own benefit, provided, that the Treasurer may extend to the Assessor and Collector, the time for payment of such delinquences, at his discretion, not beyond the thirty-first day of December.

Sec. 15. The Assessors and Collectors in their respective counties, shall establish an office at the county seat, and shall give public notice of the time and place that they will be in attendance to receive taxes; and it shall be the duty of every person owing taxes to pay the same at the office of the Assessor and Collector, on or before the thirty-first day of October, in accordance with said notice, or sooner, if required by the Collector.

Sec. 16. Property belonging to the United States, this Territory, or any county, city, or town thereof, to literary, scientific and benevolent institutions, when used for those purposes, buildings for worship, and the grounds and materials and appurtenances thereto belonging; to insane or idiotic persons, to the value of one thousand dollars; private libraries, burial grounds and monuments for the dead, are exempt from taxation.

Sec. 17. If any tax-payer or Assessor and Collector shall willfully neglect or refuse do comply with any requisition of this act, he shall upon conviction, for each offence be liable to a fine not exceeding one hundred dollars, at the discretion of the Court having jurisdiction.

Sec. 18. Each incorporated city is hereby authorized to annually assess and collect a tax not to exceed one-fourth of one per cent.

Sec. 19. Be it further enacted that an act prescribing the manner of assessing and collecting Territorial and County Taxes, approved Jan. 7, 1854, and the

amendments to the same in the second section of an Act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, and embodying certain amendments, approved Jan, 16, 1862, and an act in relation to Territorial, County, City and School taxes, approved Jan. 22, 1864, are hereby repealed.

GEORGE A. SMITH
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives
Approved January 20, 1865.
JAMES DUANE DOTY, Governor.

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AN ACT

Jan. 20, 1865. *To Extend the North Boundary Line of American Fork City.*

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That the north boundary line of American Fork City, Utah County; is hereby extended to a line running direct from the north-east corner of Lehi City incorporation to the north-west corner of Pleasant Grove City incorporation.

GEO. A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives.
Approved Jan. 20, 1865.
JAMES DUANE DOTY,
Governor.

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AN ACT

Jan. 20, 1865. *To Incorporate the Weber Kanyon Road Company.*

SEC. 1. Be it enacted by the Governor and Legisla-

tive Assembly of the Territory of Utah: That William H. Hooper, Horace S. Eldredge, Ben Holliday of New York, Lorin Farr, Charles S. Peterson, Ira N. Spaulding, Willard Smith, and Chancey W. West, and their associates and successors are hereby constituted a body corporate to be known by the name and style of "Weber Kanyon Road Company," for the purpose of making a wagon road from the mouth of Weber Kanyon, in Weber County, to Lost Creek settlement in Morgan County; said road to be built on the north side of Weber river, and by said name and style they and their successors shall have power from and after the passage of this act, for the term of thirty years, to contract and be contracted with, sue and be sued in all actions at law and in equity, in any court having competent jurisdiction; to do and perform any and all other acts in their corporate name, that any individual can have or has a lawful right to do, to make and use a common seal, and alter the same at pleasure, and do all other acts necessary for the proper exercise of the powers and privileges conferred and granted in this act.

SEC. 2. The aforesaid Company shall have the right and privilege, and the same are hereby conferred, to build a good wagon road, twenty feet wide, except in such places where it is not practicable up the aforesaid Kanyon to the acceptance of the Territorial Road Commissioner, and take toll therein, and said Company shall have the right to erect two toll gates in said road at such places as they may deem best and shall have the right to take toll at each gate at the following rates:

For every vehicle, drawn by one or two animals not to exceed one dollar.

For every two additional animals, fifty cents.

For every horse or mule rode or led, not to exceed twenty-five cents.

For all loose animals of horse, mule or cattle kind, ten cents per head.

For sheep, goats or swine, five cents per head: Provided all persons traveling with teams on said road who shall return within ten days, shall have a return ticket free.

SEC. 3. Any person wishing to become a stockholder

in the aforesaid Company shall have the privilege by paying into said Company, fifty dollars' and each stockholder shall be entitled to a vote for each share he may hold in said Company.

SEC. 4. The officers of said Company shall consist of a President, vice President, and five Directors who shall constitute a board, a majority of whom shall form a quorum to do business, and fill all vacancies that may occur in said board by death or otherwise. The board before entering upon the duties of their office shall give bonds with approved security to the acceptance of a Probate Judge of Weber County, and said bond shall be filed in the office of the County Clerk. The Board of Directors are hereby empowered to appoint a Secretary, Treasurer, Superintendent of Road and all other officers that they may deem necessary, and may require them to give bonds, conditioned for the faithful performance of their duties, and shall have power to ordain and make all necessary bye-laws and regulations for the carrying into effect the provisions of this act, and for the building and keeping in repair said road, and for all other purposes whatsoever, pertaining to the interests of said Company; provided, they make no law conflicting with the Constitution and laws of the United States, and the laws of this Territory.

SEC. 5. Each Toll-gatherer duly authorized by the President and Directors of said Company may detain and prevent from passing through his gate any person riding, leading or driving animals, and any carriage or other vehicle, until he has received the tolls authorized by the Company.

SEC. 6. The Director shall cause to be issued to each stockholder a certificate for the number of shares he may hold signed by the President, counter-signed by the Secretary and sealed with the seal of said Company, and no transfer of stock will be deemed valid in law, until recorded by the Secretary of said Company.

SEC. 7. It shall be the duty of the Board of said Company, to make an annual report to the Legislative Assembly, during the first week of each session of all receipts and expenditures and rates of toll, and to pay,

into the Territorial Treasury for the use and benefit of common schools, five per cent. upon the nett profits of all toll collected.

SEC. 8. If any person or persons shall obstruct, break, injure or destroy any part of the road of said Company, or any work or fixture attached to or in use upon the road, or shall forcibly fraudently pass any toll gate erected on said road shall for every such offence, be liable to a civil suit for the recovery of damages by said company, and may be fined in any sum not exceeding five hundred dollars for each offence, or imprisonment not to exceed six months or both at the discretion of the Court.

SEC. 9. It is hereby made the duty of the Probate Judge of Morgan County directly after the publication of this act to open a book in which to receive subscriptions for stock in said Company, and when it shall appear that ten thousand dollars have been subscribed he shall forthwith order an election to be held at the county seat of Morgan County for the election of a President, vice-President, and five Directors for said Company, by publishing a notification thereof in the DESERET NEWS, setting forth the time and place of said election in three consecutive numbers. Said election shall be held and conducted in such a manner as the aforesaid judge may direct. The persons receiving the highest number of votes for office as contemplated in this act shall be declared duly elected by said judge, who shall furnish the parties thus elected a certificate of their election. All subsequent elections shall be held at such time and place, and conducted in such manner as the Board may direct.

SEC. 10. Nothing in this act shall be so construed as to prevent the Legislative Assembly from altering, or amending the same when they think the public good require it.

GEORGE A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.
JAMES DUANE DOTY,
Governor.

RESOLUTION.

Jan. 13, 1865.

In Relation to Grants of Lands.

Resolved by the Governor and Legislative Assembly of the Territory of Utah: That, whereas by Act of Congress, approved July 2, 1862, and an Act amendatory of the same, approved April 14, 1864, grants of land were proffered the several States and Territories, for the benefit of agriculture and the mechanic arts, and for the establishment of Agricultural Colleges in the several States and Territories, under certain conditions and restrictions.

Resolved, that in behalf of the Territory of Utah, this Assembly accept the said grant of land proffered by Acts referred to, and agree to the conditions therein contained.

GEORGE A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives,

Approved January 13, 1865.
JAMES DUANE DOTY,
Governor.

Jan. 14, 1865.

RESOLUTION.

Convening the Fifteenth Annual Session of the Legislative Assembly.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the next annual session of the Legislative Assembly shall convene in the State House, (commonly called Council House) in Great Salt Lake City, and that said sesssion shall begin at one o'clock p.m. of the second Monday in December next.

GEORGE A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives,

Approved January 14, 1865.
JAMES DUANE DOTY,
Governor.

RESOLUTION.

Jan. 20, 1865.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the Public Printer for this Legislative Assembly is hereby authorized and required to print and publish in pamphlet form, one thousand copies of the Acts, Resolutions and Memorials, and five hundred copies of the Journals, including copies of the Governor's Message, the reports of the Treasurer, Auditor, and Superintendent of Schools, with such other matter as has been, or may be ordered to be included of this, the Fourteenth Annual Session of the Legislative Assembly; and that the Secretary of the Territory is hereby required to distribute said laws and journals as provided in a resolution of the Eleventh Annual Session, for the distribution of the laws and journals of that session.

GEO. A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives.
Approved Jan. 20, 1865.
JAMES DUANE DOTY,
Governor.

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JOINT RESOLUTION.

Authorizing the Territorial Treasurer to Collect Delinquent Taxes.

Jan. 20, 1865.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That the Territorial Treasurer is hereby authorized and empowered to collect the delinquent Territorial Tax, due in the several counties from the Collectors.

GEORGE A. SMITH
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives
Approved January 20, 1865.
JAMES DUANE DOTY, Governor.

JOINT RESOLUTION.

Jan. 20, 1865. *Attaching Sevier and Piute Counties to Sanpete and Beaver Counties for Representation.*

Resolved by the Governor and Legislative Assembly of the Territory of Utah: That until otherwise provided by law, Sevier County shall be included with Sanpete County; and, Piute County with Beaver County, in electing members to the Legislative Assembly.

GEORGE A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.

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Jan. 20, 1865.

RESOLUTION.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah: That all the papers accumulated by the Joint Committee on irrigation during this Session, are hereby turned over to the President and Directors of the Deseret Agricultural and Manufacturing Society, and they are hereby authorized and required to obtain a thorough report of Irrigation throughout the Territory, to the thirty-first of October next, and report the same to the next Annual Session of the Legislative Assembly during the first week of its session; and the sum of one thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in the Territorial Treasury, not otherwise appropriated to enable the said Society to carry into effect the provisions of this resolution.

GEORGE A. SMITH,
President of the Council.
JOHN TAYLOR,
Speaker of the House of Representatives.

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.

COMPLIMENTARY RESOLUTION.

Be it resolved by the Legislative Assembly of the Territory of Utah: That the thanks of this Assembly are hereby tendered to His Excellency, Governor Doty; also to the Honorable Amos Reed, Secretary of the Territory, for the courteous and gentlemanly bearing, kind and liberal spirit exhibited by them in their official and social capacity to the members and officers of this Assembly.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives.

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MEMORIAL.

Jan. 20, 1865

To Congress to Attach the Following Described Portion of the Territory of Arizona to the Territory of Utah, for Governmental purposes.

Your Memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully represent; that the geographical position of the Territory is such as to isolate it entirely from navigable waters, and that the inhabitants of the Territory, at vast expense have made roads in the direction of the Colorado River, until they have reached the southern boundary of the Territory, and working parties are engaged in seeking out and working a road to the head of navigation on the Colorado River, through a country mostly uninhabited and deriving its principal value from the fact that it affords a chance of communication with the commercial world, by way of the Colorado River, which is navigable for steam boats to within one hundred and twenty-five miles of the southern settlements of Utah. The growing interest of agriculture, commerce as well as the mineral interests of the Territory, seemingly demand an outlet to products, and more ready means of import to

encourage the reclamation of the Desert, and your Memorialists, feeling the importance of this object respectfully petition that all that part of Arizona, bounded north by the thirty-seventh degree of north latitude, west by longtitude thirty-eight degrees west from Washington, south by that portion of the thirty-sixth degree of north latitude, going between the aforenamed thirty-eighth degree of longtitude, and the center of the channel of the Colorado River, thence by the centre of the channel of the aforenamed Colorado River, southerly, easterly and northerly to its intersection with the thirty-seventh degree of north latitude be attached to the Territory of Utah, for all governmental purposes.

Your early and favorable action on the subject matter of the above memorial is respectfully solicited.

GEORGE A. SMITH,
President of the Council.

JOHN TAYLOR,
Speaker of the House of Representatives

Approved January 20, 1865.

JAMES DUANE DOTY,
Governor.